

Collier's

The National Weekly



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Rouge et Noir

VOL XXXVII NO 18

JULY 28 1906

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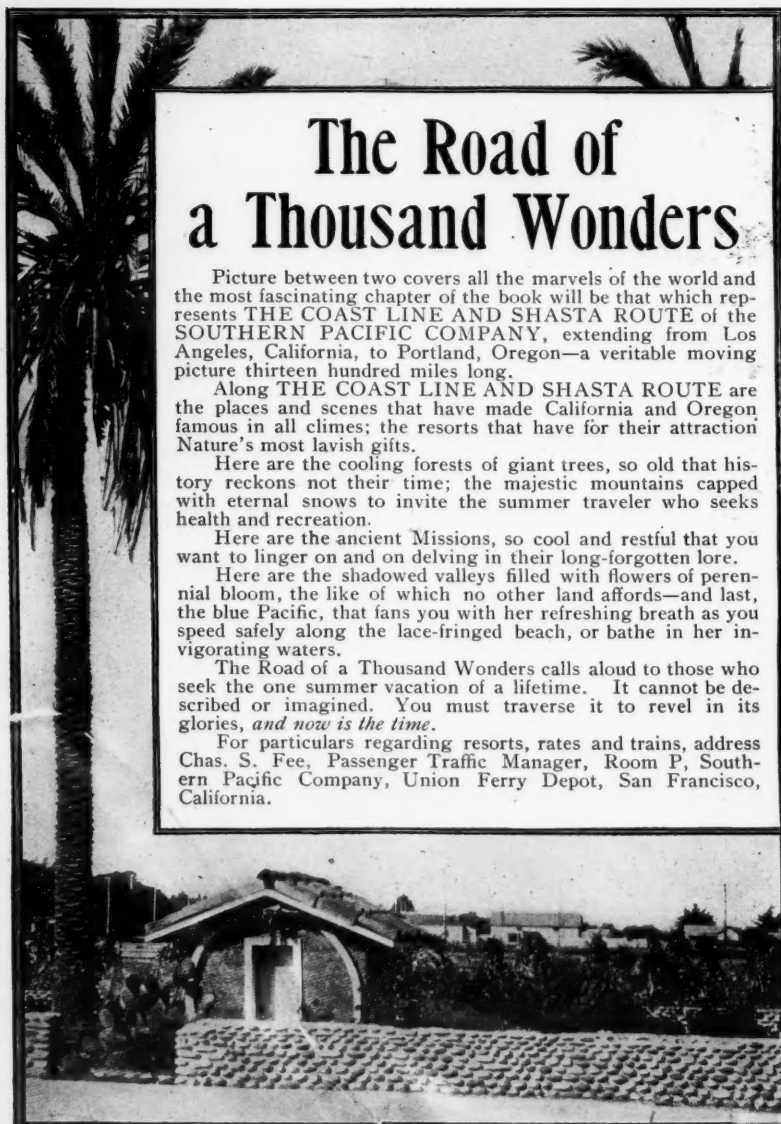
Here are the cooling forests of giant trees, so old that history reckons not their time; the majestic mountains capped with eternal snows to invite the summer traveler who seeks health and recreation.

Here are the ancient Missions, so cool and restful that you want to linger on and on delving in their long-forgotten lore.

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Collier's

THE NATIONAL WEEKLY

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Volume XXXVII Number 18 10 Cents per Copy \$5.20 per Year

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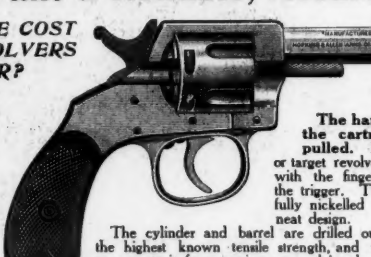
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THE NATIONAL WEEKLY



THE LAND OF COUNTERPANE

DRAWN BY JESSIE WILLCOX SMITH

(See page 26)

Thomas Holme Branch



IT IS ALWAYS DIFFICULT to keep in mind two thoughts on the same subject at the same time. That is why we deem it necessary—while pointing out, with some insistence, various things which ought to be improved—to reiterate often that the world is better to-day than it ever was before. Sixty years ago, in England, there was a Parliamentary investigation into life insurance. It uncovered conditions compared to which our present scandals are peccadillos. No one doubts, for example, the solvency of any of our companies to-day. Then practically none was solvent. Within twenty-five years three hundred companies had been chartered and two hundred and fifty of them had failed. The bankruptcy courts were clogged with them. "Life insurance!" cried BARRY CORNWALL to ELIZUR WRIGHT, the father of American life insurance. "Why, it's the greatest humbug in Christendom." And for the most part it was—frankly and intentionally a swindle, like bucket-shops, discretionary pools, and five hundred and twenty per cent "investments" to-day. Life insurance companies were what WRIGHT called his book "Traps Baited With Orphan." The business was chiefly in the hands of avowed swindlers. Organizing fraudulent life insurance companies was the favorite device of the needy and conscienceless nobility. The great modern principle of surrender values had not then been recognized; if you had been paying your premiums for twenty or thirty years and found yourself unable to continue, you could get nothing from the company. Your course would be to go to the Royal Exchange on Thursday afternoon—this sort of thing was a fixed institution, regularly advertised in the newspapers—and "sell your expectancy." One of the gamblers who made a business of it would look you over, make up his mind how long you were likely to live, and buy your policy. Thereafter he watched with eager hope for your demise. In the meantime he paid the premiums and at your death collected the principal. One who had seen both said that these Thursday afternoon sales at the Royal Exchange were a far more cruel and pathetic spectacle than the American slave auctions. It was about this time that CHARLES DICKENS, in "Martin Chuzzlewit," wrote his famous satire on Mr. Montague Tigg's "Anglo-Bengalee Disinterested Loan and Life Insurance Company," with a "paid-up capital of a figure 2 and as many oughts after it as the printer can get in the same line," with its imaginary list of directors, its costly furniture on the most lavish scale, its lunches and wines served in the directors' room, and for secretary David, tapster at the Lombard Arms, "at eight hundred pounds per annum and house rent, coals, and candles free"—how like the McCURDYS this sounds. As HOWELLS says, in one of the best of his sonnets:

"But still, somehow, the round
Is spiral, and the race's feet have found
The path rise under them which they have trod."

Sixty years hence, doubtless, there will be another investigation into life insurance, when a more prosperous and happy people will grow indignant at things which seem to-day but doubtful ethics.

THE DECISION ABOUT JUSTICE DEUEL by the Appellate Division of the Supreme Court of New York ought to be rendered early in the autumn. Its interest lies in the fact that it must indicate what the Appellate Division thinks the character and occupation of a judicial officer ought to be. It was shown to all the world that Justice DEUEL was actively engaged in schemes for the dissemination of scandal and the reaping of profit therefrom. The Appellate Division merely is compelled to say whether a justice of the Court of Special Sessions ought to be a man who would thus interpret his duties under a statute forbidding him to engage in any business. The referee who was appointed to collate and present to the court the evidence brought out in the case, as far as it concerned Justice DEUEL's activities, was selected by the four judges to do this service for them, and they must therefore believe that he is a man whose report will be accurate and complete. The court is morally responsible first for the thoroughness of the referee's report and then for the principles of judicial duty which their decision will deliver to the world.

THE DEUEL REMOVAL

EVEN HEARST undoes his wrongs when a certain kind of pressure can be brought. His newspapers led, as usual, in the reckless assertion of scandalous details in a recent famous

killing, and in the course of their hysterical pursuit of dirt asserted much that was untrue. Customarily when this happens no retraction is ever made by Mr. HEARST. In this case sympathy for the victim's wife or interest in mere truth has led to no apologies to the public or to any individual. Yet retractions were forthcoming. "The New York American, an American paper for the American home," printed the assertion that the architect had conducted orgies in certain places, of which the addresses were given. It was later explained that these snap allegations were erroneous. Why this candor, so different from the HEARST papers' usual conduct in regard to their steady mass of falsehood? The cause is this: the owners of the real estate referred to were in earnest and able to revenge themselves. Owners of real estate are not to be trifled with as casually as persons less fortunately conditioned. The whole morbid exhilaration with which the HEARST papers have gloated over this tragedy should be a lesson to all who deem Mr. HEARST an important enough power to-day to render desirable a thorough understanding of his nature and ideals.

ONE MAN'S
P A P E R S

NO ATTEMPT TO ACCOUNT for the Standard Oil Company as to its past, or to deal with it as to its present, can get very far without keeping in the foreground one large fact to which WILLIAM H. VANDERBILT called prophetic attention nearly thirty years ago. At one of that long series of futile legislative investigations, Mr. VANDERBILT was a witness, unfriendly, or at least impartial, toward the Standard Company. "I don't believe," he said, "that by any legislative enactment, or anything else, through any of the States, or all of the States, you can keep such men down. They will be on top all the time. You see if they are not. . . . There is no question about it, but that these men—and if you come into contact with them I guess you will come to the same conclusion I came to long ago—I think they are smarter fellows than I am, a good deal. They are very enterprising and smart men. I never came in contact with any class of men as smart and as able as they are in their business." This was the frank tribute of one business man to what he deemed superior business ability in ROCKEFELLER, ROGERS, ARCHBOLD, DODD, and their associates. But Mr. VANDERBILT implied, and very SMARTNESS likely sincerely believed, that, because these men are smarter than most men, there is nothing to be done about their iniquities. Therein he belonged to his time and differed from our own. Communities might just as well lie down and abandon the effort to curb horse thieves because horse thieves are hard to curb. Smartness may explain corporation wrongs; it does not excuse them. Smartness means the acquisitive instinct highly developed, practised deviously, more or less subterraneanly, and without scruple as to the rights of others. Pickpockets, forgers, and embezzlers are all, to quote Mr. VANDERBILT, unusually smart men in their lines. Standard Oil, like other important monopolies, will be curbed. But the time is coming when conspicuous talents will not so frequently choose the predatory forms of business for their exercise; when smartness and shrewdness will be more often on the side of the public interest; when the conflict between public and private interest will not so often be a contest between a \$3,000-a-year Federal or State attorney and a \$200,000-a-year trust lawyer; between a \$100,000-a-year lobbyist and no lobbyist at all.

TWO AMERICANS TRAVELING ABROAD for health and pleasure will during the succeeding month return to these their native shores. One of them is the richest man in the world. More than any other in his generation he epitomizes the spirit of the age, material accomplishment. Beyond all others he has mastered and turned to his own use the dominant principle of modern civilization—organization, the systematizing of the forces which take natural resources and turn them into gold. He sits upon the apex of his complex creation and reaps a greater harvest of the work of other hands and other brains than any other man in the history of the world. When he returns to his native land he will be met at the dock only by his immediate relatives, and not by all of those. If any of the idly curious gather, their curiosity will be tinged with malevolence. The other traveler's ears,

ROCKEFELLER
AND BRYAN



before he is in sight of shore, will catch the excited cheering of an almost hysterically friendly nation. Men will envy other men because they were the first to grasp his hand. Delegations will vie to be the first to welcome him. One wonders if either of these men will envy the other. Would ROCKEFELLER part with his possessions for the affection of a nation? If the twenty millions he has given to philanthropy were a bid for popularity, the investment has been without return. Certainly Mr. BRYAN will not envy Mr. ROCKEFELLER. He has, in the ten years since he was unknown and very poor, earned and saved enough money to make him comfortable, and he has earned much that money never yet has bought.

WONDERFUL AND WEIRD are arguments and "facts" which some of the Socialist editors put forth to prove the existing order wrong. "Wilshire's Magazine" for July says that during the two months following the earthquake there were but three suicides in San Francisco, as against an average of twelve a week before. From this the inference is drawn that "nine-tenths of all suicides are the result of the uncertainty of being able to get a living." The statistics struck us as sufficiently remarkable to justify investigation, from which it appeared that the decrease in suicides since the earthquake was no greater in proportion than the decrease in population. Here is a paper which, assuming to instruct and guide the poor and ignorant, exhorts them, in the largest type, to buy "Sure Cures" for goitre, deafness, cancer, fits, blindness, and consumption; advertises a stove which burns "Barrels of Air as Fuel," and a "psychic occult," who teaches "telepathy, hypnotism, personal magnetism, suggestive therapeutics, mystic healing, reading the secret character of others and influencing them without their knowledge." And the impression produced by this wholesale advertising of the worst class of quacks and frauds is not improved when one observes the editor's exhortations to his readers to buy "guaranteed seven per cent stock" in his own business. Possibly the poor and ignorant suffer more by betrayal through sheer bad faith or demagogism, or self-seeking, or mere stupidity, in those who set themselves up as prophets and leaders of the downtrodden, than by intentional oppression on the part of those whom they assume to be their enemies.

MAN AT HIS BEST, according to the psalm, "is altogether vanity." Sometimes there's a devil in his heart, but even when he means kindly he stumbles every day. A German drama called "Guilty" tells of a man imprisoned on perjured testimony. In twenty years he emerges, to find his family ruined and every earthly interest and hope gone wrong, as a consequence of his disgrace. In a fury he then commits a crime indeed, and becomes "guilty" in fact, because society, with no malice and no avoidable mistake, had taken his innocence for guilt. ALFRED DREYFUS has been "vindicated." His "honor" has been restored to him. He can die now whenever he sees fit, and leave nothing that remains to him undone. So much is all that human justice is able to do for him. Gloomy suggestion of the imperfectness of justice, which the excitement of a nation and the forgeries of liveried criminals can turn aside! But with ESTERHAZY there was PICQUART, with HENRY there was ZOLA, and with MERCIER there was LABORI; and France, dropping hatred, finally did her best; and so we say that life is something better than a cozenage.

WHEN A RUSSIAN reader sees a page blacked out by the censor he knows by that sign that he is deprived of truth. An American reader is treated more insidiously. For him often truth is skilfully adulterated. A text-book for public schools, for example, was adorned with a picture of the cabin in which ABRAHAM LINCOLN was born; for the Southern trade, the label which identified the picture with LINCOLN was removed, and it was marked "A typical log cabin." In prohibition communities, text-books on physiology must advocate temperance with more false and exaggerated statements concerning the effect of alcohol than the liquor interests ever told in behalf of their cause. For the Southern trade text-books which deal with the Civil War give an account of that contest which must make Southern children, when they grow up, surprised to learn that the capital of their country is not at

Richmond, Virginia, and at a loss to account for the fact that the soldiers of their country wear blue uniforms. In New York, as in other communities that have a large Jewish population, school text-books frequently keep clear of any mention of JESUS CHRIST. In Russia some knowledge is considered dangerous. In our own fair land some knowledge is deemed unwelcome.

IT WAS BYRON, whose experience was not slight, who said that love was woman's whole existence. Certainly an existence without relation to love can never bring out what she has of best. Consciously or unconsciously, deliberately following a definite decision, or blindly falling in with nature's larger plan, the finest women choose the path of sentiment, and when intellectual life lies in another direction they pass it by. The greatest woman scientist who ever lived was SOPHIA KOVALEVSKY, who received from the French Academy of Science the Prix Bordin, and an additional prize "on account of the extraordinary service rendered to mathematical physics by this remarkable work." The award was made by the Academy in complete ignorance of the fact that the winner was a woman. Naturally, Mme. KOVALEVSKY's triumph was tremendous. "She was," says Mr. R. C. DUNCAN's account, "fêted, honored, and everywhere greeted with ovations. Her lover witnessed all this from the edge of the crowd, and, unable to accept his subordinate position, retired from his suit. The affair literally killed her, for she never recovered from the blow, and died, a broken creature, two years later." We don't think much of the lover, but the story shows one reason why women have not done much in science, and why their work has often been so mixed with that of some male as to make it impossible to say which was whose. Perhaps CAROLINE HERSCHEL did discover five new comets; but would she have been a great astronomer if her brother had not been a greater one, and she his secretary? How much of FANNY MENDELSSOHN's work ought to be credited to her more famous brother FELIX? The discovery of radium was the joint work of Mme. CURIE and her husband; now that he is dead and she has his professorship, the world may learn how much she is capable of without the assistance and inspiration of a man. "Couldn't I do Euclid if you were to teach me instead of Tom?" exclaimed Maggie Tulliver to her brother Tom's tutor. And the indignant Tom broke in: "No, you couldn't. Girls can't do Euclid, can they, sir?" The tutor solemnly affirmed that they could not. If they can't, it is because they are engaged in a work even more important to living beings than squaring the hypothenuse or crossing the Asses' Bridge.

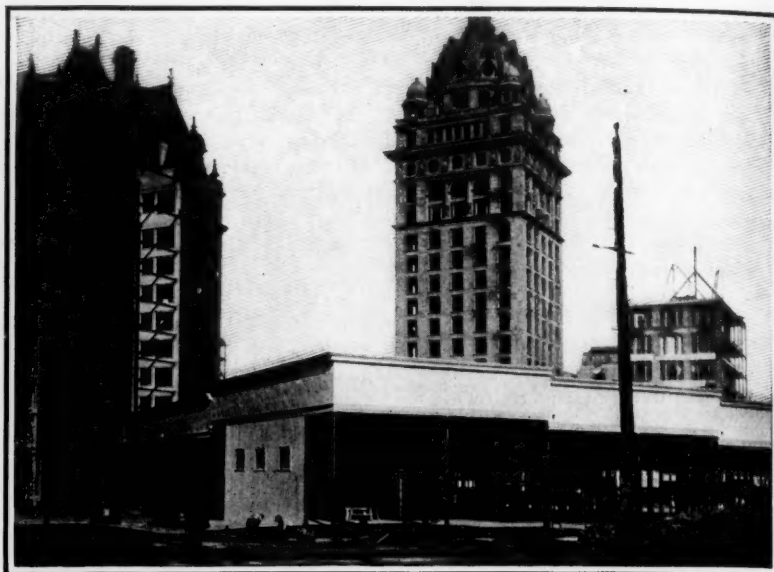
DEATH IS MOST CALAMITOUS when it strikes down its victim with his purposes unfulfilled. When it puts a period to a completed activity, to an effort accomplished, finished, and forever linked into place in that endless chain which we call life, it bears with it a certain logical consolation. Congressman H. C. ADAMS, who died at the close of the last session of Congress, had done his work. Like the man himself, his achievement lacked in the picturesque and brave-hued elements that make for general acclaim. His special study had been the preservation of the public health through guardianship of food supply. So, when the now famous Meat Inspection bill became a sudden issue, and the committee chairman in charge of it threw the weight of his influence against the public and in favor of the packing interests, the quiet, earnest, hard-working Wisconsin Representative was called upon by the President to assume the burden of the battle in the Lower House. Only a few days before, in half-humorous, half-mournful acceptance of his own physical inefficiency, he had said: "I've got about one more good fight in me before I give out." How ungrudgingly he gave his little remaining strength his colleagues know better than do the people whom he served so well. The Meat Inspection law as it stands is a monument to his wise, just, and self-effacing leadership. This being accomplished, he threw himself into the Pure Food fight, and there exerted a powerful though not a conspicuous influence in strengthening the measure. As he had unflinchingly foreseen, his frail and failing body succumbed to the strain. Opportunity had confronted him like a threat. He accepted it as it came. His right to rest was nobly earned, in the simple old phrase of fundamental patriotism: "He, too, had been of some service to the Republic."

SAN FRANCISCO, AS IT LOOKS TO-DAY

How business is carried on among the ruins. The mining camp stage preceding the construction of the new and greater city that is already beginning to rise from the débris of the old metropolis



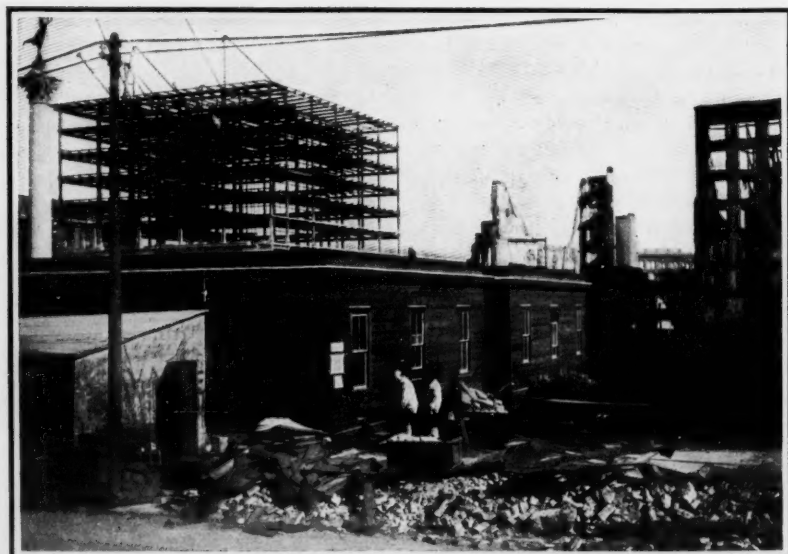
IN THE FINANCIAL DISTRICT, BUSH AND SANSOME STREETS



SHOPS GOING UP ON GEARY STREET: THE CALL BUILDING BEYOND



CORNER OF VAN NESS AVENUE AND ELLIS STREET: THE CITY HALL DOME IN THE BACKGROUND

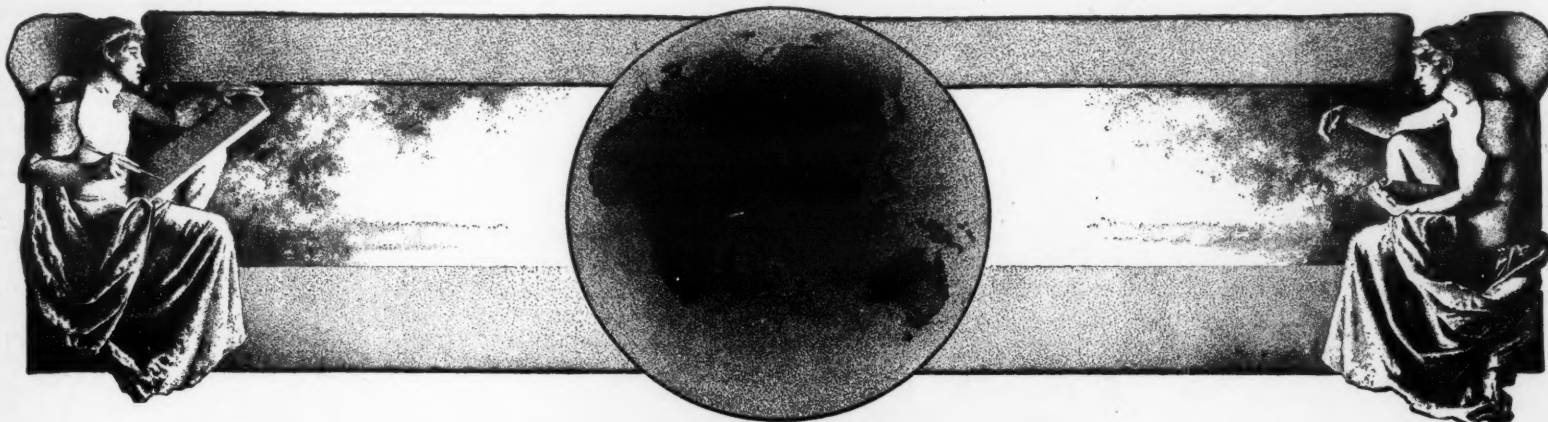


TEMPORARY HOME OF THE ST. FRANCIS HOTEL, POWELL AND POST STREETS



THE PARK THEATRE, READY FOR BUSINESS ON MARKET STREET

WHAT THE WORLD IS DOING



EDITED BY SAMUEL E. MOFFETT

PRESIDENT ROOSEVELT has announced that under the new law the Government will be prepared to guarantee the purity of the American meat supply. ¶The Dreyfus case has ended in the complete triumph of the former exile of Devil's Island. ¶A war between Guatemala on one side and Salvador and Honduras on the other has broken out suddenly, but is in a fair way of settlement through the good offices of the United States and Mexico. ¶The Armor Plate Trust has been broken by the competition of the Midvale Steel Company. ¶The Canadian Parliament has been prorogued, after passing a "Lord's Day Act" originally designed to suppress Sunday work and amusements throughout the Dominion. ¶The Congress of Chambers of Commerce of the British Empire has voted by an immense majority in favor of preferential trade within the empire. ¶Andrew Carnegie has repeated his plea for the reunion of all the English-speaking peoples. ¶The International Policy-holders' Committee completed its organization on July 9 by the election of Richard Olney as chairman, and issued an address to the policy-holders of the Mutual and the New York Life. ¶Alfred Beit, the "Diamond King," believed by many in England to be the richest man in the world, died in London, July 16, at the age of fifty-three. ¶The State Convention of the Lincoln Party of

Pennsylvania, reconvening on July 10, completed the fusion with the Democrats by nominating all the candidates chosen by the Democratic Convention. ¶The returns for the fiscal year 1906 show that 888,543 immigrants were handled at Ellis Island, New York, an increase of 199,075 over 1905. ¶Admiral Rojestvensky was acquitted on July 10 of the charge of surrendering to the enemy after the battle of the Sea of Japan. ¶Secretary Taft, addressing the Republicans of North Carolina at Greensborough on the eve of their State Convention, protested against the "grandfather clause" in the State Constitution by which illiterate negroes are disfranchised and illiterate white men allowed to vote. The convention then voted in favor of submitting to the people the question of extending the operation of the clause from 1908 to 1920. ¶Mr. Haldane, the British War Secretary, disclosed the Government's plan of army retrenchment on July 12. He proposed to maintain an expeditionary force of 150,000, depending chiefly on the militia and volunteers for home defense, and reducing the present regular establishment by 20,000 men. ¶The American Federation of Labor has begun a systematic campaign against Representative Littlefield, of the Second Maine District, where the election comes in September, as a test of its power to discipline public men who oppose labor measures

AFTER THE MUCK IS RAKED

THE necessary work of muck-raking in the American meat industry having been accomplished, the Administration is now exerting itself to repair as far as possible the damage it has been compelled to inflict in the cleaning-up process. On July 10 the Grocers' Federation of England met at Sheffield in perplexity and distress of mind for its annual conference. The grocers were thinking seriously of cutting American canned meats off their stock-lists, but before taking a step which had very serious possibilities of financial loss they sent a cable message to President Roosevelt, saying that the trade was almost paralyzed and that unless the dealers could be assured of the wholesome character of American canned goods they would have to stop buying them. The President promptly replied:

"You are at liberty to inform the Grocers' Federation that under the new law we can and will guarantee the fitness in all respects of tinned meats bearing the Government stamp. If any trouble arises therewith protest can at once be made not merely to the sellers of the goods, but to the United States Government itself."

This answer satisfied the convention, and it adopted a resolution, with only one dissenting voice, thanking President Roosevelt for his assurance. The secretary said that the members of the Federation in the canned meat trade had lost very heavily, and that he hoped the President's message would lead to a revival of the trade. Statistics show that a revival is badly needed. In the month of June, 1906, the exports of canned beef through the prin-

cipal American ports amounted to 2,977,979 pounds, against 6,310,553 pounds for the same month last year. It is explained that this reduction is largely due to the decline in the movement to Japan, caused by the cessation of war purchases. That theory, however, would hardly explain the fact that 27,000 cases of canned meat from Boston and New Orleans were received at the Albert Docks, London, in June, 1905, and only 4,000 cases in June, 1906, or that 24,000 cases had been received in the same trade in July, 1905, and not a single

case from any part of the United States in the first eleven days of July, 1906.

While the foreign consumer is in the throes of assimilating the information that Chicago has been cleaned up, he is treated to daily proofs that many of his own domestic provisions come from places that are worse than Chicago ever was. At the Sanitary Inspectors' Conference at Bristol on July 11 one of the delegates said that if the British public only knew a quarter of the things that were going on in British slaughter-houses, the Chicago scare would become insignificant by comparison. Mr. John Burns, President of the Local Government Board, introduced a Pure Food bill into Parliament on the same day.

The chief fault of the Neill-Reynolds report was the fact that it gave no names, and therefore involved all American packers in an indiscriminate disrepute which by no means all of them deserved. The Massachusetts Board of Health has corrected this injustice by making public its analyses of nearly 150 brands of canned meats, together with the results of its investigations of the plants producing them.

As a rule, the Beef Trust products were found to be inferior as compared with those of independent firms. In describing the plants in Massachusetts, the report states that "the large establishments were found to be conducted in all particulars in a scrupulously neat and clean manner," while of "twenty-five smaller establishments only five were found to be entitled to grade 'excellent.'"



SECRETARY ROOT AT SAN JUAN, PORTO RICO

Passing through the naval station, escorted by Lieut.-Col. Bailey and Capt. Wood of the Porto Rico Provisional Regiment



DEMOCRATS OF TWO HEMISPHERES

Mr. William Jennings Bryan surrounded by Constitutional Democratic Members of the Russian Duma

JUSTICE AT LAST

THE mills of the gods have ground slowly in the Dreyfus case, but they have ground exceedingly fine. On July 12 the Cour de Cassation declared that the "bordereau," which had been the chief item of alleged evidence against Dreyfus, had been written by Esterhazy, that another document presented to the Rennes court-martial was a falsification, establishing the strong presumption of Dreyfus's innocence, and that as all the accusations had fallen to the ground there was no necessity for a new trial. Accordingly the judgment of the court-martial was annulled.

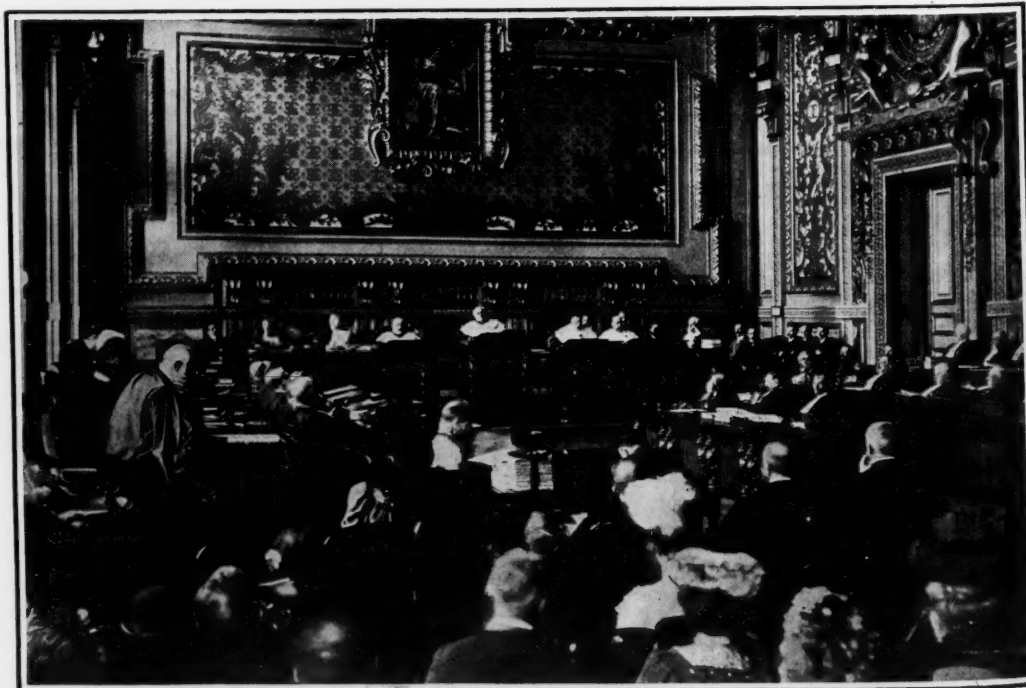
The Government followed up this decision by prompt action. It secured the passage on the following day of laws reinstating Dreyfus and his earliest champion, Colonel Picquart, in the army. Both were promoted, Dreyfus becoming major of artillery, and Picquart, who had apparently sacrificed his career for justice, gaining the rank of brigadier-general. The Dreyfus bill received 473 votes to 42 in the Chamber of Deputies, and the Picquart bill 467 to 27. The passage of the bills was greeted with tumultuous enthusiasm, and President Brisson said: "It is with pride that I register this vote, consecrating the triumph of virtue." Not satisfied with simple justice, the Government put Dreyfus on the list for early nomination to the Legion of Honor. Both officers receive credit for the time since their dismissal from the army as if they had remained on active service. Émile Zola did not live to see the triumph of justice, but he obtains posthumous honor in the passage of a bill providing for the removal of his body to the Pantheon, in a resolution of the City Council of Paris to give his name to one of the principal streets of the metropolis, in the decision of the Council of Le Mans to erect a monument to his memory, and in popular demonstrations at his tomb.

The most extraordinary thing about all this is not the legal vindication of Dreyfus, but the complete revulsion of popular sentiment, which now makes heroes of the men who a few years ago were shunned as lepers, and covers with execration the forgers who but recently were heroes.

It is twelve years since Alfred Dreyfus was first caught in the net of General Mercier's need for a scapegoat. He was accused of treasonable communications with Germany, and the proof was a certain "bordereau," or memorandum, which was alleged to be in his handwriting. He was illegally convicted with the help of secret evidence and publicly degraded, protesting his innocence, and then, in lieu of the execution of the death sentence that had been imposed upon him, he was transported to Devil's Island, near Cayenne, for life.

Caged in this place of torment, with only a de-

voted wife and a few faithful relatives to protest against his fate, and with death always lurking at his door, Dreyfus remained for four years and a half. But justice would not stay down. Colonel Picquart, Chief of the Intelligence Department, discovered and made known the fact that the bordereau had been written by a disreputable adventurer named Esterhazy. Picquart was dismissed. Zola pilloried the makers of counterfeit evidence in his tremendous "J'accuse" letter. He was prosecuted and fled to England. The intellect and conscience of France began to range themselves on the side of Dreyfus, but the keepers of the "honor of the army" industriously forged new evidence, and the torrent of popular passion raged against the "Jewish traitor." But the truth persisted in coming to light. In 1899 the Supreme Court ordered a new trial, and Dreyfus was brought back to face his judges. Against all evidence, the court-martial at Rennes convicted him again, but with a verdict of "extenuating circumstances," as if there could be any extenuating circumstances in a case of cold-blooded treason for money. Dreyfus accepted a pardon, but never ceased to work for vindication. And now it has come, complete and triumphant. One man against a nation—the odds were not too great when truth stood with the one.



THE TRIUMPH OF JUSTICE IN FRANCE

The Cour de Cassation, the French Supreme Court, hearing the arguments in the Dreyfus case

WAR IN THE TROPICS

JUST before the opening of the Pan-American Conference, when we were congratulating ourselves upon the apparent abolition of war among the American Republics, Guatemala and Salvador had the bad taste to begin fighting, and Honduras took a momentary hand in the row. There had been the normal revolution in Guatemala, and the relations of that republic with Salvador had been strained. The troops of both countries had been concentrated near the frontier, but United States Minister Combs had been using his good offices, and the Guatemalan Minister at Washington asserted that President Cabrera had suppressed the insurrection led by General Barillas with great ease. But a clash occurred between the Guatemalan and Salvadorian troops, each side asserting that the other was the aggressor. A despatch from Guatemala City on July 12 alleged that the Salvadorian Government had invaded Guatemalan territory, and that, fighting in self-defense, the Guatemalans won a complete victory on the 11th at Jicaro, killing ex-President Tomas Regalado, the Salvadorian commander-in-chief, who was a candidate for the next Presidential term. According to the Salvadorian version, Regalado had been merely scouting when he was assassinated by two Guatemalans who had joined his small escort for that purpose.

Meanwhile the Guatemalan revolutionists under General Toledo, Barillas being a fugitive in Mexico, had been winning successes, according to their own accounts. After the battle of Jicaro the Guatemalans pursued the remnants of Regalado's army, as they put it, into the territory of Salvador, and at Metapan encountered the Salvadorian forces under General Bonilla, who claimed a victory. Thereupon Honduras, which had been allied with Salvador, joined in the war, asserting that she had been invaded, and that the invaders had been repulsed. On the night of the 14th the Salvadorians attacked the aggressive Guatemalans at Platanar, and defeated them with an alleged loss of two thousand killed, wounded, and prisoners. While these events were going on, the United States was actively working for the restoration of peace, assisted by President Diaz of Mexico. Both Salvador and Guatemala agreed to accept the good offices of the sister republics, and the settlement of the trouble with Honduras would naturally follow that of the original dispute. The cruiser *Marblehead* was offered as the headquarters for a peace conference. Fighting continued along the frontiers of the three republics while negotiations were in progress. The Salvadorians asserted that they had been victorious in every battle, and that down to the time of President Roosevelt's intervention they had lost 700 killed and 1,100 wounded, against 2,800 killed and 3,900 wounded on the side of the Guatemalans.



CLEARING AWAY THE WRECK AT SALISBURY

The disaster, although occurring in England, was really an American calamity, as almost all of the twenty-eight persons killed were Americans. A special train, connecting with the American Line steamer "New York," was carrying passengers from Plymouth to London when it ran off the track on a curve at 1.57 A.M. on July 1, struck a milk train, plunged against the side of a bridge, rebounded, crashed into another engine, and was smashed into scrap iron and kindling wood. Investigation showed that the wreck was no accident, but a scientific certainty, the curve being so constructed that any train running at anything like the speed of the steamer special would be mathematically bound to jump the rails. The directors have assumed full responsibility

A WORRIED TRUST

A CURIOUS situation has arisen with reference to the contracts for the armor for the new battleships *South Carolina* and *Michigan*. Ever since the construction of battleships for our navy began, the supply of armor for them has been divided between the Bethlehem and Carnegie Companies. These establishments have had an absolute monopoly of the business, and have used their power remorselessly, extorting many millions of dollars from the Government's necessities above the fair value of their products. So great was the discontent caused in Congress by their exactions that it took all the efforts of the party leaders to prevent the establishment of a Government armor plant, and provision was indeed made for such a plant in the event of the failure to obtain armor from the private makers within a certain maximum limit. The Bethlehem and Carnegie Companies were accustomed to make identical bids, with the object of having the contracts divided between them.

This was the situation when a rival establishment intruded upon the rich pastures of the trust. In August, 1903, when the two trust companies put in collusive bids of \$420 per ton for the heavy armor for five battleships, the Midvale Steel Company cut in with a bid of \$398 per ton. Corresponding reductions were offered on other classes of armor, the total proposed saving on the five ships amounting to \$337,068. There was a wild fluttering in the dovecotes of the trust, but the naval authorities came to the rescue and decided that the Midvale Company had not developed its facilities sufficiently to be entrusted with the whole of such an important contract, and the job was therefore divided. Failing to profit by this warning, the combination again allowed itself to be underbid when tenders for armor for the battleship *New Hampshire* and the armored cruisers *North Carolina* and *Montana* were opened in January, 1905. The previous offers were repeated to a cent. The Midvale Company's bids were so much lower than those of the combination that the Government would have saved \$112,126 by accepting them in bulk. Again the Navy Department exerted its benevolent offices in behalf of the trust. A board of officers recommended that the Bethlehem and Carnegie bids be accepted. The recommendation was approved, but the Department kindly allowed the lowest bidder to furnish a thousand tons of armor out of a total of 7,922 tons required.

This year the combination at last took a hint. It realized that even with the best wishes on the part of the Navy Department, the process of awarding contracts to the highest bidders could not be

continued indefinitely, and in the bids for the armor for the battleships *South Carolina* and *Michigan*, opened on July 10, it dropped below its former prices, and even below those offered previously by the Midvale Company. Moreover, it abandoned its persistent practise of collusive bidding, the Carnegie Company's bids averaging \$370 per ton and those of the Bethlehem Company \$381. But the Midvale Company had also come down, and this time its bid amounted to only \$345 per ton, or \$183,200 less than that of the next lowest bidder on the 7,328 tons required. Again the trust had to appeal to the goodness of the patient Navy Department. It put in a pathetic plea, *in forma pauperis*. It said that if it failed to get this contract, or at least a good slice of it, it would have to shut down its plants and throw its skilled workmen out of employment. Besides, it urged, the late Secretary Whitney had induced the capitalists at the head of the Bethlehem and Carnegie Companies to build expensive plants on the understanding that the Government would deal with them exclusively.

Secretary Bonaparte might have replied that in Mr. Whitney's time nobody dreamed that the Government would ever spend a fraction of the money it has since spent on the navy, that the out-



JOHN D. ROCKEFELLER CORNERED BY FRENCH REPORTERS

When Mr. Rockefeller visited the garage in Compiègne in which his car was kept, the newspaper men who had been pursuing him brought him to bay

lays for armor had already paid for the Bethlehem and Carnegie plants several times over, and that those establishments had only their own extortionate bids to thank for losing their contracts. Instead of taking this unfeeling course, however, the Secretary decided to divide the contract again.

A FADED BLUE LAW

THE Canadian Parliament was prorogued on July 13 after performing a curious piece of legerdemain in connection with Sunday observance. Sabbatarian sentiment is very strong in certain parts of Canada, notably in Ontario and the Maritime Provinces, and there is an aggressive organization, the "Lord's Day Alliance," whose object is to force conformity to this sentiment upon those who do not share it. The members of this body were not satisfied with having inflexible Sunday laws in Ontario and Nova Scotia—they felt aggrieved because more liberty was enjoyed in Quebec and British Columbia. Accordingly, they demanded a national law which should extend the rigors of the Ontario Sunday over the entire Dominion of Canada, regardless of local wishes. They exerted such pressure upon the Laurier Government that it brought in and pressed for passage as the chief measure of the session a bill under which it would have been impossible to print, sell, buy, or distribute a Sunday newspaper, domestic or foreign, anywhere between the Great Lakes and the North Pole, to go on a Sunday excursion, to enjoy any kind of entertainment or even public meeting for which an admission fee was charged, to enter an amusement park, or to carry on any sort of gainful occupation, with certain necessary exceptions. Under this bill, strictly construed, it would have been illegal to distribute even the week-day editions of American newspapers in Canada, because they advertise Sunday diversions. But protests, especially in Quebec, arose in such volume that the Government was alarmed, while at the same time the pressure of the Lord's Day Alliance was too great to allow it to abandon the bill. Accordingly, it resorted to the safe old methods of the American statesman who was "in favor of the law, but agin its enforcement." It retained most of the formidable phraseology demanded by the Lord's Day Alliance, but put in two little clauses, one providing that nothing in the bill should interfere with any provincial law "now or hereafter in force," and the other forbidding prosecutions under the new act without the leave of the attorney-general of the province in which the offense was alleged to have been committed after the expiration of sixty days from the time of the commission of the alleged offense.

As the law is not to go into effect until the first of next March, the legislatures of the non-Sabbatarian provinces will have ample time to pass local measures superseding it, and even without such legislation its enforcement against small offenders in such provinces would be impossible.

THE EUROPEAN POT and THE AMERICAN KETTLE

EACH DELIGHTS IN HOWLING OVER THE BLACKNESS OF THE OTHER

By FREDERICK PALMER

WITH ILLUSTRATIONS BY JOHN T. McCUTCHEON

EVER since we of republican America first set up in business Europe has been saying that we are a bad lot, and now in the delight of opinion vindicated she sees us admit as much. Everything written in exposure of certain intolerable conditions in our country is copied abroad.

The English, for example, are coming to think better of themselves every day that we think worse of ourselves. They are righting their own wrongs by shocks of horror over ours. This process of reform by the absent treatment is one which Senator Burton and Mr. Armour both favor from purely patriotic motives. In times past, with the Chicago packing-houses reeking under our noses, we, too, have been virtuously indignant over foreign scandals.

It goes without saying that the old style is more comfortable for an American who is traveling abroad. Although when at home he may be a muck-raker himself, he dislikes to hear from foreign lips, if his patriotic pride is strong, the same style of criticism and censure which he utters to his knowing fellow citizens. Every morning as he looks in his London morning paper he finds nothing from America but accounts of bribery and oppression. These items have taken the place of the Southern lynchings, which were formerly the favorite American news in Europe's scandalous press.

If he makes a denial his English friends quote eminent Americans in support of their contention that the United States is rotten to the core. In England "The Shame of the Cities" is taken to mean that there are no honest men in city offices, which was far from the intention of the author. A single United States Senator convicted of bribery is proof enough to the foreign mind that every United States Senator is a thief.

From the columns of the "Daily Mail" and the "Daily Express," the two arch "yellows" of London, you would conclude that such products of a Chicago packing-house as were not putrid had been dragged through a sewer; while, of course, the President's commissioners never stated anything of the sort. A London editor looking through the editorials in COLLIER'S will seize upon some ringing arraignment of wrong without thought of quoting any qualifying clauses or one of the cheerful paragraphs.

Europe, which not long ago rode the hobby of wonder over Japanese victories, now rides the hobby of wonder over American depravity. The London half-penny papers have trained the British lower classes so well that probably they would believe the statement that we were turning cannibals. The only hope that Europe sees for us lies in the President. Our neighbors conceive of Theodore Roosevelt as the one honest man on this side of the water. Considering that the majority of the people are back of him in his fight against the trusts, it is fair to presume that a few of us still admire morality in the abstract, if we do not practise it personally.

Both Money and Reputation

A few years ago when we were proud of our Captains of Industry, when we thought that Pierpont Morgan was buying up a goodly part of England, Emperor William was quoted as saying that he wanted men with the American spirit around him and Europe was

sending commissions to America to study our methods of popular education and of industrial organization.

"Now," a friend who has just returned from abroad tells me, "it will take generations to overcome the results of recent revelations. The millions upon millions of dollars which the beef scandal will cost us does not tell the whole story. When present orders are filled, when the prejudice of the consumer has worked back through the middlemen to the American producer, the sheet of our exports will begin to show us the totals which our housecleaning has cost. For under guidance of the press and rival European producers the average European has been taught that our produce is universally rotten and our manufactured articles will fall to pieces with the slightest use."

A Row is Necessary

"A bad reputation, whether deserved or not, is hard enough to bear," I suggested, "and what we are trying to do, quite regardless of all other considerations, is not to deserve it."

"Reform is all right," he persisted, "but why make such a row about it? In England when they find that anything is wrong they don't shout the fact to the

with a maker of fire-proof coffins in his enmity to revival meetings. You can use it in favor of the gambler and the race-track tout as logically as it is now being used in favor of the patent medicine manufacturers or the adulterators of food."

The doubtful and the conservative cried: "You will hurt business" to the heads of the Abolition movement and to the leaders in the reform of the Corn Laws in England; and to-day they cry it to the Duma in Russia. This is a voice that has ever been heard and ever will be heard when the change which represents progress is on foot.

Ultimately business as a whole, which means the well-being of all, has ever been improved by genuine reform. England never knew real prosperity until after the repeal of the Corn Laws; the United States as a whole never knew real prosperity until after the Civil War; and freedom and self-government in Russia will awaken the dormant energy, enterprise, and skill of the Russians and make Russia for the first time a real trade rival of the other European powers.

But the royal business and the princely land-owning profligate business and the bureaucratic idler business have been injured past repair. As soon as the press of Russia is free to speak the truth, things which are manifestly bad and false to the mind of every logical thinking man must fall. Once our slaughter-houses are clean the truth will not be kept from the consumers, and those who will profit most from this public benefit will be the packers, who no longer face suspicion in the markets of the world.

It is Europe's loss and not ours if she is still practising the old-fashioned school of journalism which incites racial and national prejudice to cover up national shortcomings. I have seen a spread headline in a London "yellow" about a defalcation by a minor American official on the same day that the conviction of a number of British voters for accepting bribes had a scant paragraph.

If the British journalist would only follow the butter—kept sweet by salicylic acid—from the Siberian plains through the Danish butter factories to his own breakfast table, or if he would go through some of his own jam and sausage factories, he would find copy enough at home. We, at least, have reached a point in sanitary progress where the toilet arrangements of the employees are a consideration. Much that is accepted as a matter of course abroad is scandalous with us.

The French journalist might with profit go to the south of France in the wine season. Possibly he would find that the superior flavor of French wines arose from the fact that the peasants—none too fond of ablutions—tread the juice out of the grapes with their bare feet. In America this is done by machinery. The adulteration of American wines is a result of the taste which has been created in American palates by French adulteration.

The Honesty of Democracy

In France you may color peas with copperas for export, but you may not for home consumption. It was a foreigner who said to me that one feature of the stockyards exposure was strikingly inconsistent with the business acumen which our country usually exhibited; for the products which were mostly condemned largely entered into our foreign trade. "As long as



AN EXPONENT OF PUBLIC OPINION, ALWAYS ON GUARD

whole world. They put it right quietly—all in the family."

"The official family!" I answered. "In other words, you take the word of the fellows on the inside, where the reform is needed, that the reform is made."

"At all events that way doesn't hurt business!" he concluded.

The most reassuring feature of the era of national self-examination which distinguishes the Roosevelt Administration is that for once the old cry of "hurting business" has not deterred us in a movement where the faults concerned were as much moral as economic.

You can carry the "hurt-business" argument to such a point of absurdity that you might sympathize



REFORM ON THE "INSIDE" WITHOUT A SCANDAL



HAS THE ADVANTAGE OF NOT "HURTING BUSINESS"

you do not poison yourselves, why mind if you poison foreigners?" was the sense of his observation. No better tribute to American democracy is needed than that it did not stop to think where the meat was eaten, but when it became suspicious, as the result of journalistic reports, it demanded the whole truth regardless of who was hit.

"In America the people know too much," said this same matter-of-fact foreigner. "They discuss questions which they are incapable of understanding. They are really not capable of judging whether meat is cleanly slaughtered or not."

He represented a type which can no more understand America than he can understand our journalism. In England and in Germany only a small class of the population really count. The lower and the middle classes generally do pretty well what they are told by the upper classes. In America the people are not yet settled into castes; their intelligence is still unfettered. They remain our criticizing power. Their means of expression is the press, daily, weekly, periodical.

And every country, if it would not go to rot as Spain has, must have a criticizing power. A good autocrat is efficient for the short period of his activity. He may be succeeded by a weak autocrat. But no autocrat can be an omnipotent investigator. A true democracy ought to be permanently efficient. When Emperor William makes visits of surprise to his battlements or his barracks he is muck-raking; and he is of the type which decidedly prefers to do his own muck-raking to leaving it to the press. Not long ago the seamen on one of his cruisers refused to dress ship in his honor. It was their only way of letting him know of bad treatment. He punished them at the same time that he redressed their wrongs. In that country where the journalists wear bells and say what they are told to say

this incident was kept quiet. In America the men's complaints would have been rehearsed in the newspapers long before they thought of insubordination. When the battleship *Texas* sank at her dock in Brooklyn before the Spanish War, her position as the hoodoo of the navy was secure and the press of Europe pointed her out as an example of the rotten hulks which formed the squadrons of corrupt America. But the *Texas* went through the Caribbean campaign and came back to New York still in fighting trim. The ships of a people who keep alive to their faults are kept in condition; the ships of a people who do not share the fate of Cervera's and Rojestvensky's. Still my friend who has just returned from abroad repeats his question: "Why make such a row about it?"

Turn on the Searchlight!

That is the only way of the democracy, which is many-voiced, and where all the voices frequently speak at once, and a little hysterically, sometimes. It was Hallam, the British historian, who said, in writing of Venice, that in a republic all the sores were opened to public gaze, while in a monarchy they were hidden by the cloak of royalty. Frequently by the time the odor is strong enough to pass through ermine or velvet gangrene has set in.

Always it is the daylight which tells you whether or not the man who talks loudest in the dark is the best armed. That thing which a man would conceal from the public is frequently a thing of which he is ashamed.

"Well, it's all right if the reporters don't get on to it!" is an aside which covers most of our public wrongs. Of late, some men of wealth and position have come to excuse secrecy on the ground of "higher law," an expression which means in a democracy what "The

King can do no wrong" means in a monarchy. I overheard two well-known lawyers talking on the train from Albany to New York while the Legislature was in session last winter. All their conversation was interesting, and I will quote two remarks which were significant:

"Yes, X— drew that bill." (X— was an incompetent but an honest man, I judge.) "You can drive a coach and four through it. I'll see to it that it does not bother any of our folks."

"We must go slowly for the time being," said the other. "The public is in an ugly mood. When this wave of indignation has passed, as all such waves will pass, we shall return to the old normal situation"—which means the ways of darkness.

This warns us that those who have profited from the democracy's good nature in the past have patience; and it warns us again that eternal vigilance is the price of liberty. The point is not what our neighbors think of us, but what we ourselves are. The nation which made good her promises in Cuba, which is spending millions in trying to uplift the black race and hundreds of millions trying to fit the Filipinos for self-government, should be as willing to receive a helpful lesson from the nation that fought the Boers and forced the opium trade upon China as she would be to receive one from the teachings of the saints.

During the Dreyfus trial at Rennes, when all the other national pots were denouncing the complexion of the French kettle, a Frenchman said to me:

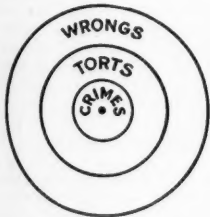
"There are other armed camps on the Continent of Europe where you would never have heard of the case. Dreyfus would have been shot, and that would have been the end of the matter. Thank God that in France it was still possible to get justice for him." So in America we have cause to be thankful that the truth can still be found out. We owe that to our public press.

WHAT IS CRIME

THE LAW PROHIBITS MANY ACTS NOT WRONG IN THEMSELVES

By ARTHUR TRAIN

A CRIME is any act or omission punishable as such by law. It is difficult, if not impossible, to devise any closer definition. Speaking broadly, crimes are certain acts, usually wrongful, which are regarded as sufficiently dangerous to society to be forbidden under pain of punishment. The relation of crimes to wrongs, as a whole, is sometimes illustrated by a circle having two much smaller concentric circles within it. The outer circle represents wrongful acts in the aggregate; the second, wrongful acts which are held by law to be *torts*; and the smallest or inner circle, acts held to be so injurious to the public as to be punishable as crimes.



This does well enough for the purpose of illustrating the relative proportion of crimes to torts or wrongful acts in general, and if one puts a tiny dot in the centre of the bull's-eye one may get an excellent idea of how infinitely small a number of wrongful acts have to be punished to keep by force of example the whole social fabric in order and sustain the majesty of the law. But the inference might naturally be drawn that whatever was a crime must also be a tort, or at least a wrong; which, while true in the vast majority of instances, is not necessarily the case in each. In a certain sense crimes are always wrongs, but they are always wrongs only in the sense of being infractions of law.

The word wrong being the antithesis of the word right, and carrying with it generally some ethical or moral significance, will vary in its meaning according to the ideas of the individual who makes use of it. Indeed, it is conceivable that the only right thing to do under certain circumstances would be to commit an act designated by law as a crime. In like manner while a wrong viewed as an infraction of the laws of God is a sin, that which is universally held sinful is by no means always a crime. Speaking less broadly, a wrong is an infraction of a right belonging to another, which he derives from the law governing the society of which he is a member. Many wrongs are such that he may sue and obtain redress therefor in the courts.

Various Phases of Wrong-doing

But it by no means follows that every crime involves the commission of a tort, that is to say of the actionable infraction of a private right. It will thus be seen that no accurate definition of a crime can be given, save that it is an act or omission which the State punishes as such, and that technically the word carries with it no imputation or implication of sin, vice, iniquity, or in a broad sense even of wrong. It may or may not be repugnant to our ideas of right, and numerically considered only a minority of crimes have any ethical significance whatever, being regarded even by the law itself as *mala prohibita*, rather than *mala in se*.

It is the duty of a prosecutor to see that infractions of the criminal law are punished and to represent the public in all proceedings had for that purpose, but, in

view of what has just been said it will be seen that his duties do not necessarily involve familiarity with vice, violence, or even sin. The crimes he is called upon to prosecute may be disgusting, depraved, and wicked, or they may be, and frequently are, interesting, amusing, ingenious, or possibly (though not probably) commendable. For example, a man who chastises the foul slanderer of a young woman's character may have technically committed an assault of high degree, yet if he does so in a proper spirit, in a suitable place and in an artistic manner, and provided he makes the offender smart sufficiently, he may deserve the thanks and congratulations of all decent men and honest women. Yet, indubitably, he has committed a crime, although, thanks to our still lingering spirit of chivalry, he would never be stamped by any jury as a criminal.

A Prosecutor's Views

A prosecutor is frequently asked if he does not find that his experience has a "hardening" effect.

"Why should it?" the "hardened" prosecutor might fairly reply. "I have to do with criminals, it is true, but the criminals as a rule are little or no worse than the classes of people outside from which they have been drawn. Their arrest and conviction is largely due to accidental causes, such as weak heads, warm hearts, quick temper, lack of education, foolishness, or drunkenness. We see all of these characteristics in our immediate associates. A great many convicted persons have done acts which are not wrong at all, but are merely forbidden. Even where their acts are really wrong it is generally the stupid, the unfortunate, or the less skilful who are caught. For every rogue in jail there

are at least ten thousand at large. The ones who escape are wiser and very likely meaner. Last, but not least, a very great number of the meanest, most wicked, and most harmful deeds that can be committed are not crimes at all. The fact that a man is a criminal argues nothing at all against his general decency, and when I meet a convict I assume, and generally correctly, that to most intents and purposes he is a gentleman. The code which puts one man in stripes and allows another to ride in an automobile is purely artificial, and, strictly speaking, proves not a whit which is the better man."

Now, while such an answer might seem frivolous enough to the lay reader, it would be nevertheless substantially true. Your criminal, that is to say, strictly speaking, the law breaker who is brought to book for his offense, very likely is a pretty good sort of fellow as fellows go. If he has been guilty merely of an act which is prohibited not because of its inherent wrong, but simply on grounds of public policy—*malum prohibitum*—he is probably as good as anybody. His offense may be due to ignorance or accident. Assuming that his crime be one which would seem to involve moral turpitude—*malum in se*—there are very likely mitigating circumstances which render his offense, if not excusable, at least less reprehensible than would appear at first glance.

Criminals Are Specialists

Crimes bear no absolute relation to one another. A murderer may or may not be worse than a thief—and either may be better than his accuser. The actual danger of any particular offender to the community lies not so much in the kind or degree of crime which he may have committed as in the state of his mind. Even the criminals who are *really* criminal in the sense that they have a systematic intention of defying the law and preying upon society, generally are not criminal in all directions, but usually only in one, so that, taken upon their unprofessional side, they present the same characteristics as ordinary and, roughly speaking, law-abiding citizens. The bank robber usually is a bank robber and nothing more. He specializes in that one pursuit. It is his avocation and his joy. He prides himself on the artistic manner in which he does his work. He would scorn to steal your watch, and is a man of honor outside of bank-breaking hours—"honor among thieves." Likely enough, he is a model husband and father. So, too, your forger, gambler, swindler, burglar, highwayman, and horse thief—all, in fact, except the real moral pervert; and, of course, murder is entirely compatible on occasion with a noble, dignified, and generous character. "There is nothing essentially



It is a crime to steal a banana off a fruit stand

incongruous between crime and culture." The prosecutor who begins by loathing and despising the man sitting at the bar may end by having a sincere admiration for his intellect and character. This by way of defense to crime in general.

Our forefathers contented themselves with a rough distinction between crimes as *mala prohibita* and *mala in se*. When they sought to classify criminal acts under this arrangement, they divided them accordingly as the offense carried or did not carry with it a suggestion of moral turpitude. Broadly speaking, all felonies were and are regarded as *mala in se*. Murder, arson, rape, theft, etc., in general indubitably imply a depraved mind, while infractions of Sunday observance laws, health ordinances, etc., do not. Yet it must be perfectly clear that any such distinction is inconclusive. There can be no general rule based merely on the name or kind of crime committed which is going to tell us which offender is really the worst. A misdemeanor may be very much more heinous than a felony. The adulterator of milk or the employer of illegal child labor may fairly be held vastly more reprehensible than the tramp who steals part of the family wash. So far as that goes, there are an alarming multitude of acts, not crimes at all, which are a great deal worse from every point of view than many which are. This is the inevitable result of the fact that crimes are not crimes merely because they are wrong, but because the State has prohibited them.

Sins that Are Not Crimes

For example, to push a blind man over the edge of a cliff is murder, but to permit him to walk over it, although by stretching out your hand you might prevent him, is no crime at all. It is a crime to defame a woman's character if you write your accusation upon a slip of paper, and pass it to another, but it is no crime in New York and most of the other States to arise in a crowded lecture-hall and ruin her forever by word of mouth. It is a crime to steal a banana off a fruit stand, but it is no crime to borrow ten thousand dollars from a man whose entire fortune it is, although you have no expectation of returning it. You can be a swindler all your life—the meanest sort of a mean swindler—but there is no crime of being a swindler or of being a mean man. It is a crime in New York to ruin a girl of seventeen years and eleven months, but not to ruin a girl of eighteen. It is a crime to obtain a dollar by means of a false statement as to a past or existing fact, but it is no crime to obtain as much money as you can by any other sort of a lie. Lying is not a crime, but lying under oath as to a material fact is a crime. The most distinguished lawyers and judges do not agree as to what a material fact is.

When the acts are all crimes there is no way of actually discriminating between them except by examining the circumstances of each. The so-called "degrees" mean little or nothing. If you steal \$499 out of a man's safe in the daytime it is grand larceny in the second degree. If you pick the same man's pocket of a subway ticket after sunset, it is grand larceny in the first degree. You can get five years in the first instance and ten in the second. If you steal twenty-five dollars out of a bureau drawer you commit petty larceny and may be sent to prison for one year.

If the degree of any particular crime of which a defendant is found guilty is no index of his real criminality or of his danger to society, still less is the name of the crime he has committed an index to his real moral character, save in the case of certain offenses which it is not necessary to enumerate. Most men charged with homicide are, as a rule, indicted for murder in the first degree. This may be a wise course for the Grand Jury to pursue in view of the additional evidence which often comes to light during a trial. But it frequently is discovered before the case goes to the jury that in point of fact the killing was in hot blood and under circumstances which evince no great moral turpitude in the slayer. For example, two drunken

men become involved in an altercation and one punches the other, who loses his equilibrium and falls, striking his head against a curbstone and fracturing his skull. The puncher is indicted and tried for murder. Now he is doubtless guilty of manslaughter, but he is less dangerous to the community than a professional thief who preys upon the public by impersonating a gas man or telephone repairer and by thus gaining access to private dwellings steals the owner's property. One is an accidental, the other an intentional, criminal. One is hostile to society as a whole, and the other is probably not really hostile to anybody. Yet the less guilty is denominated a murderer, and the other is rarely held guilty of more than petty larceny. A fellow who bumps into you on the street, if he be accompanied by another, and grabs your cane, is guilty of robbery in the first degree—highway robbery—and may get twenty years for it. But the same man may publish a malicious libel about you and by accusing you of the foulest practices rob you of your good name and be only guilty of a misdemeanor. Yet the reader should not infer that definitions and grades of crime capable of corresponding punishments are not proper, desirable, and necessary. They are. The practical use of such statutes is to fix a maximum sentence of punishment. As a rule, the minimum is anything the judge sees fit. Hence you may deduce a general principle to the effect that the charge against the prisoner, even assuming his guilt, indicates nothing definite as to his moral turpitude, danger to the community, or general undesirability.

But we may honestly go much farther. Not only are the names and degrees of the crimes which a defendant may have committed of very little assistance in determining his real criminality, but the fact that he has committed them by no means signifies that he is morally any worse than some man who has committed no crime at all. Many criminals, even those guilty of



Criminologists' delight in measuring skulls

homicide, are as white as snow compared with some men who have never transgressed the literal wording of a penal statute.

"We used to have So-and-So for our lawyer," remarked the president of a large street railway corporation. "He was always telling us what we *couldn't* do. Now we have Blank, and pay him \$100,000 a year to tell us how we *can* do the same thing."

The thief who can have the advice of able counsel "how to do it" need never go to jail.

Many of the things most abhorrent to our sense of right do not come within the scope of the criminal law at all. Omissions, no matter how reprehensible, usually are not regarded as criminal, because in most cases there is no technical legal duty to perform the act omitted. Thus, not to remove your neighbor's baby from the railroad track in front of an onrushing train, although it would cause you very little trouble to do so, is no crime, even if the baby's life be lost as a result of your neglect. You can let your mother-in-law choke to death without sending for a doctor, or a ruffian half your size beat an old man to death, or your neighbor's house burn down, he peacefully sleeping inside it, while you play on the piano and refuse to ring up the fire department, and never have to suffer for it—in this world.

Almost every other criminal case that is brought to trial exhibits some witness who is morally as bad as the defendant and yet against whom not a word has been said by way of reproach.

These illustrations might be multiplied by hundreds without mentioning a single per cent of the wrongful and sinful acts or omissions not forbidden by statute or otherwise, and yet to all intents and purposes equally criminal in the general sense.

Passing from felonies—*mala in se*—to misdemeanors—generally only *mala prohibita*—almost anything becomes a crime, depending upon the arbitrary act of the Legislature.

In New York State it is a crime to run a horse-race within a mile of where a court is sitting; to advertise as a divorce lawyer; to go fishing or "play" on the first day of the week (Section 265, Penal Code); to set off fireworks or make a "disbursing noise" (Section 276) at a military funeral in a city on Sunday; to arrest or attach a corpse for payment of debt; to keep a "slot machine"; to do business under any name not actually your own full name without filing a certificate with the County Clerk (for example, if being a tailor you call your shop "The P. D. Q. Tailoring Establishment"); to take more than six per cent interest on a loan secured by certain articles; to ride in a long-distance bicycle race more than twelve hours out of twenty-four; to fail



Foremost were the "green goods" men

to supply seats for female employees in a mercantile establishment; to steal a ride in a freight car, or to board such car or train while in motion (Section 426); to negligently set fire to one's own woods by means of which the property of another is endangered; to run a ferry without authority, or, having agreed to run one, to fail to do so; to neglect to post ferry rates (under certain conditions) in English; to induce the employee of a railroad company to leave its service because it requires him to wear a uniform; to wear a railroad uniform without authority; to fish with a net in any part of the Hudson River (except where permitted by statute); to secretly loiter about a building with intent to overhear discourse therein, and to repeat the same to vex others (eavesdropping); to sell skimmed milk without a label; to plant oysters (if you are a non-resident) inside the State without the consent of the owner of the water; to maintain an insane asylum without a license; to enter an agricultural fair without paying the entrance fee; to assemble with two or more other persons "disguised by having their faces painted, discolored, colored or concealed," save at a fancy-dress ball for which permission has been duly obtained from the police; to pretend to buy goods at an auction; or to wear the badge of the "Patrons of Husbandry" or of certain other orders without authority.

These illustrations are taken at random from the N. Y. Penal Code, without reference to their desirability as laws. They are not suggested as subjects for repeal.

Where every business, profession, and sport is hedged around by a chevaux-de-frise of criminal statutes, he must be an extraordinarily careful as well as an exceptionally well-informed citizen who avoids sooner or later crossing the dead-line. It is to be deprecated that our law-makers can devise no other way of regulating our existences save by threatening us with the shaved head and striped shirt.

How to Get Money Under False Pretenses

The actual effect of such a multitude of statutes making anything and everything crimes punishable by imprisonment, instead of increasing our respect for law, decreases it unless they are intended to be and actually are enforced. Acts *mala in se* are lost in the shuffle among the acts *mala prohibita*, and we have to become students to avoid becoming criminals. Year by year the Legislature goes calmly on creating all sorts of new crimes, while failing to amplify or give effect to the various statutes governing existing offenses, which, to a far greater degree, are a menace to the community. For example, it is not a crime in New York State to procure money by false pretenses, provided the person defrauded parted with his money for an illegal purpose. A rascal pretended to be a police officer, and arrested a peaceful citizen, who in terror asked the crook what he could do to prevent his being taken to the lock-up. The crook replied: "Give me your watch." This the victim did. He later discovered the trick which had been perpetrated upon him, and caused the arrest of the scamp, who was properly convicted by a jury of twelve sensible men, but the Court of Appeals reversed the conviction on the ground that since the complainant had been under the impression that he was bribing an officer he could be granted no relief in a court of justice (*McCord v. People*, 46 N. Y., 470). In other words, the court held that a rascal could not be punished for his crime when he had at the same time induced the chief witness against him to commit or attempt to commit another. To one not versed in the law it would seem that the court must have argued that two wrongs made a right, and then let a doubly guilty villain go scot-free. Where do the public come in? Apparently where there is only one rascal they have some rights, but where there are two they have none. Immediately following this decision there sprang into existence a horde of thieves who began to make a fat living out of "come-ons," "Hey-Rubes," and "suckers" through all sorts of devices which involved to a certain extent an element of conscious wrong upon the part of the victim in surrendering his money. Foremost among these were the "green goods" men, who sold stuffed oblong parcels of rags to innocent gentlemen who came on from North Carolina and elsewhere to purchase from them packages of counterfeit money. (Continued on page 25)



If you pick a man's pocket after sunset, it is grand larceny

GOD'S LITTLE DEVILS

BY
ROWLAND THOMAS



Illustrated by
CHARLES SARKA

TAKE a man who has acquired a liking for homicide without losing his sense of humor, put him in command of a half hundred Malays who have the same qualities by inheritance, turn him loose in a disordered tropical island, and the result—but I will give you the case I have in mind.

One night when rice was eaten and the circle of darkness had shut down about our fire Fermin Majusay, the private of Native Scouts who was my escort on the mountain, stretched out on his slim stomach and gazed into the hypnotic flames.

"I am going to tell you about my teniente," he said suddenly, "my lieutenant, who is dead six months. He was a devil, that man. Listen! You have sat in the Café Puerta del Sol and watched the two old Spaniards who play forever the game called chess? When the little man of Don Antonio gets in front of the little horse of Don José, does Don José say: 'Bad little man, go to another little square?' No, he says, 'Muerto!'—dead—and takes the little man away. That is the game, to take all the little men off the board, and it is just the same with fighting. But all the white men I have seen, except my lieutenant, were afraid of the end. My lieutenant always laughed when the end came. He was born to be a soldier.

"I remember how he laughed at Don Augusto. We were in a very bad province then. All the provinces are a little bad—that is why they sent me to take care of you here, because the mountains are not safe for a white man. But that was an island in the south, and it was very bad. All the middle of it was mountains where ladrones lived, and they came down to the coast and made people give them food and money, and they stole carabaoes from the plantations and killed travelers, and sometimes they burned a town and took a pretty girl away.

"We were sent there to catch them, and it was very hard work. We chased them in the mountains and killed some, but it did no good. When we were in one place they raided another, and when a man guided us in a little while he was dead. We knew what was the matter. It is always the same. The ladrones are in the mountains, but some man in the town is their leader, and he gets so rich and strong that everybody is afraid of him. In that island it was a planter named Augusto de los Reyes. Three times my lieutenant arrested him and sent him down to San Pablo, and every time the judge said there was no proof, and he came back, and in a little while the witnesses against him were killed. And the ladrones in the mountains always knew when we were coming.

"If our teniente had been like other white men he would have given up then. But he arrested Don Augusto once more. I remember the morning very well. I was orderly that day, and we were in the guard-room looking at some prisoners, and a guard came in, two in front and two behind, with this Don Augusto. He was a big fat Bisayan, and we all looked at him, and he looked at us and smiled, and we didn't feel very good, for we knew what he'd like to do to us.

"But the teniente laughed when he saw him. He got up and shook hands with Don Augusto, and he said: 'Buenos dias, Señor Don Augusto de los Reyes.' Like that, making fun. 'It is not long since we met,' he said. 'I am very glad to see you again. I hope you found the prison at San Pablo pleasant?'

"This Don Augusto knew how to play the game. He smiled with his mouth and said: 'It is not bad, Señor Teniente. But it is tiresome to have the comedy of going there so often. The judge gets tired too, deciding that I am not such a bad man as my friend the teniente would have him think.'

"The teniente laughed again. 'Ah, these judges!' he said. 'If only they could see us as we are, Señor Don Augusto de los Reyes. It is so hard to make them understand.' Then he stopped smiling and talked very slow—more as if he talked to himself. 'I could send you down to San Pablo again, and I could say to the

judge: 'This is the Señor Don Augusto de los Reyes, whom the Swiss Bobin accused of giving information to the enemy, so that he lay in San Pablo jail for three weeks, till you said there was no proof.' And I could say to the judge: 'Last week this innocent one came back from his trial, and last Sunday, as the Swiss Bobin rode on a narrow trail, four men attacked him and cut off his hand as he drew his revolver, and then killed him.' But what would that amount to?'

"Very little," said Don Augusto.

"Nothing," said the teniente. 'And I could tell the judge: 'That Sunday night men came to the house of the late Swiss Bobin and took his woman away, and her muchacha found her next morning, staked by the four hands and feet to an ant-hill.' But that would be no charge against Señor Don Augusto de los Reyes.'

"Precisely," said Don Augusto, and he smiled. Oh, he was a big proud man, and he knew what he could do so well that he did not pretend to be scared.

"Precisely," said my teniente. 'And we could tell the judge: 'The two-weeks baby of the late Swiss Bobin died that Monday afternoon, so to-day there is not a soul alive of the family of the man who charged an innocent gentleman unjustly, as you yourself decided, Señor Judge.'"

"Don Augusto smiled and tried to speak, but the teniente only moved his hand and went on—and all of us in the guard-room held our breaths and listened, for we knew he was speaking the truth: 'We could tell the judge: 'Those four men who killed the man and the woman and left the baby to starve live on the plantation of the prisoner and owe him much money.' But what does that prove? Even if we tell him that all the enemies of the Señor Don Augusto de los Reyes for twenty years have gone that way, and that no one dares to be a witness against him for fear of his revenge, the judge will not care about that. The judge wants proof, and we have no proof, have we, Don Augusto? No matter how well we know each other, we have no proof. So I shan't send you to jail again, my dear friend. I am tired of it, too.'

"All we soldiers looked at the ground, for we thought our teniente was a fool, like the judge, and would let Don Augusto go again. And Don Augusto looked at

us as if we were dogs—I wanted to give him my bayonet—and he smiled and said: 'I thank you very much, Señor Teniente, for sparing me another of the comedies. It is better for every one. Adios, Señor.'

"Oh, that teniente of mine was a devil! He got up and shook the hand of Don Augusto, and he smiled and said: 'Adios, Señor Don Augusto de los Reyes. We shall not meet again for some time, I think. I am very tired of it myself. José!'

"We all jumped, his voice was so different and the corporal of my squad stepped forward. 'You will be the guard of the Señor to his home,' the teniente said. 'You will need only your revolver.' He stopped a minute, and then he said: 'José, be very careful that he does not escape.'

"You know what that order meant then? We all knew, and José's face went like ashes—he was a coward anyway—and he could hardly say, 'Sí, mi teniente.' And that big fat pig of a Don Augusto, he dropped altogether as if he had no bones, and he went down on his knees. But my teniente only laughed and said: 'A pleasant journey to you, Señor Don Augusto de los Reyes, and a relief from comedies.'

"And then he took the commissary reports, and he wrote on them all the time till José came back. José was shaking and white and the teniente looked at him. 'You are back quickly, José,' he said. 'Is anything the matter?'

"The prisoner tried to escape, mi teniente," José said.

"That was very foolish, my teniente said. 'Where is he now, José?'

"Across the river, mi teniente," José said.

"Sergeant, send two men across the river with shovels," the lieutenant ordered, and he tossed José a peseta to buy vino." Fermin Majusay had forgotten everything else in thinking of the man who was his hero, and the fire was nearly out. He brought it to a glow and then lay down on his blanket again. "That night while we whispered together in barracks and that chicken-hearted José sat by himself and muttered prayers and drank vino out of a bottle we named our teniente el Diablito—the Little Devil. Not because he was little, but because we loved him, just as Angel Bantiling calls his wife Chiquita—tiny one—though she is big as a carabao. El Diablito I named him, and we were afraid. If he had come downstairs that night we would all have run away. But what will you have? That Don Augusto was a bad man, and the teniente took him off the board just like one of Don Antonio's

little men of chewed bread. That is the way, and if one is afraid of the end there are other games one can play. One does not have to be a soldier. But he made us afraid, just the same.

"After Don Augusto was dead all that part of the province was good, so they sent us to another place. Barang was the name of the town where we went. It was a better town; the people were good; we had nothing to do but drill. And after drill, often, my teniente took me to shoot with him. I would hold an empty bottle for beer in my hand—like that!—and the teniente would shoot it from twenty paces with his revolver. Hoy, he was a devil at everything, my teniente! Scores and scores we broke, and he never



"He would sit and drink aguardiente for hours, and look at his boots"

hurt me. And he took me to be his servant in his quarters, and I was very happy there in Barang."

Fermin Majusay gazed into the fire again, and his keen animal face was softened in the flickering light.

"Díos, I was happy there in Barang! Only one thing I did not like—that was Isidro Abelarde. Isidro Abelarde was the leader of the town, the son of a rich haciendero, young and handsome. And he became a friend of my teniente. They would laugh and talk together for hours, and ride together, and I did not like it. We Macabebes have many enemies—all the other Filipinos are our enemies—and we have to be suspicious always. I began to wonder why Isidro Abelarde wanted to be with my lieutenant. 'Mi teniente,' I said, 'I do not like it that Don Isidro comes here. It is not good that he can pass the guard at any time, like a white man. If he means harm—'

"The teniente laughed. 'You are more bother than a wife, Fermin,' he said. 'Why should he mean harm to me?'

"He is the pariente—the relative—of Don Augusto," I said. My teniente looked at me, and I saw that he did not wish to hear the name of Don Augusto. For a minute I was frightened—he had terrible eyes sometimes. 'How do you know that?' he said.

"I would not tell him—we have ways of knowing things—and he got very angry and struck me. It made my eye black, but I did not care. He was my lieutenant anyway, and he had been drinking. Next day I was glad of it, for Don Isidro came to dinner,

Isidro pushed back his chair and said: 'Now, teniente mio, what is this wonderful news?'

"My teniente pushed back his chair and offered his cigarette-case to Don Isidro. 'Take a long one,' he said, 'one long enough to last our talk out.' So Don Isidro took an entrelargos, and I held a match for him, and then he smiled through the smoke and said: 'Now for our news, teniente mio. I die of suspense.'

"My teniente put the little packet which Don Isidro had given me on the table, and he looked at Don Isidro. And I think that Don Isidro knew then that the game was finished. But he was a brave one, I will say that, if he was a fool. He looked at the packet, and he looked at the teniente, and he looked at me and said, 'Traitor!'

"Let me urge you, my friend,' my teniente said, 'to smoke slowly and without excitement, for when that cigarette is finished you will be finished also.'

"Don Isidro's hand shook a little, but he was not afraid. 'You are the winner again, asesino mio,' he said. 'Have the traitor there bring some water, and I will take the sleeping-powder—when I am done smoking.'

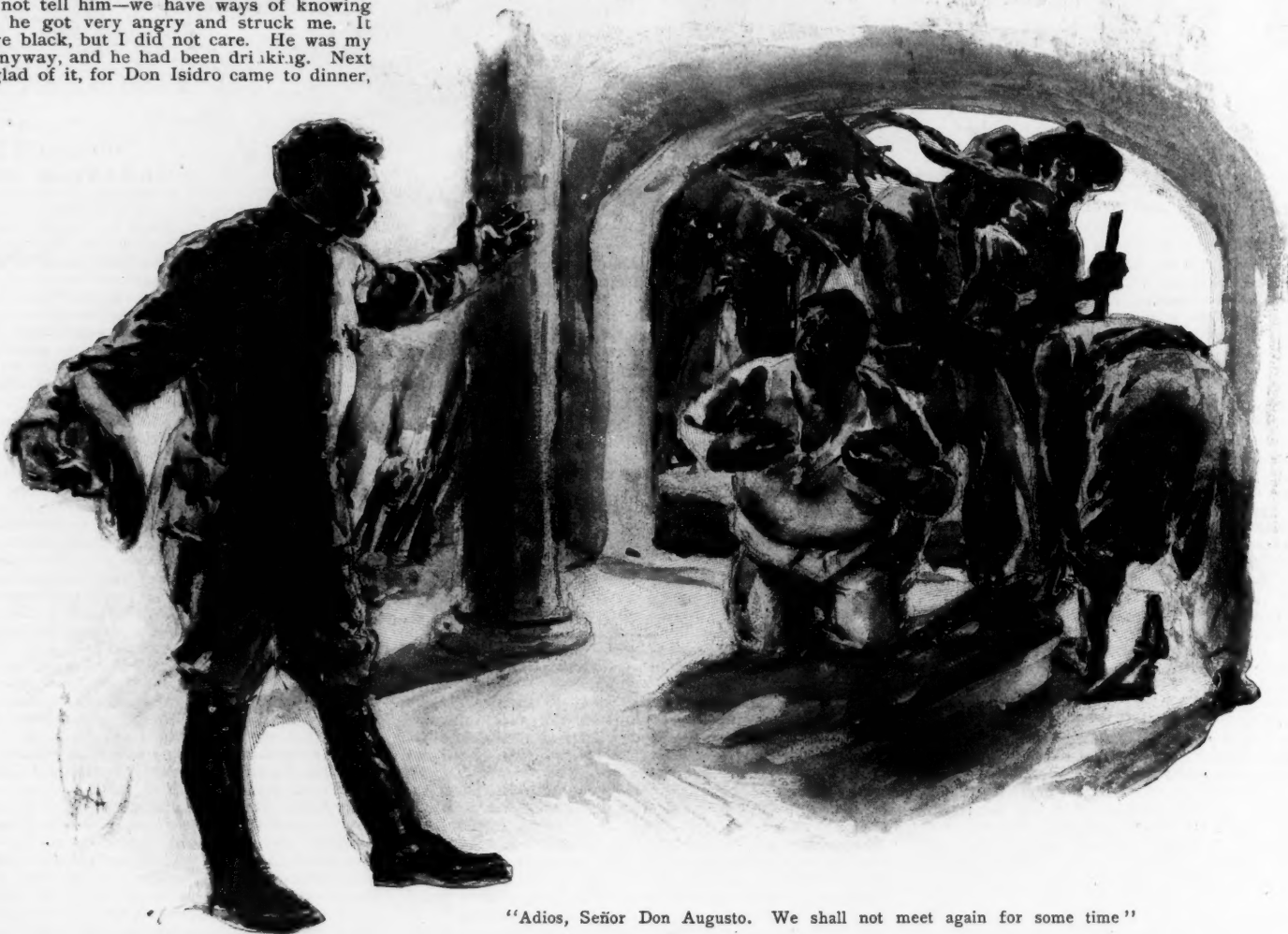
"It is against the law,' my teniente said, 'to let you kill yourself. Fermin, tell Raymundo to buckle on his

rats and the lizards squealing above him, and drink and drink and drink, and wait for the time when he could sleep.

"Hoy, that drinking! It frightened me, and I spoke to him about it. I could always speak to him, until the very end. But he laughed at me. 'Give me something else to do, then,' he said. 'Shall I go and say a mass in the chapel?'

"So he would sit and drink aguardiente for hours, and look at his boots. But sometimes he would be like himself for a little while, and then he would go for a ride, or shoot the bottles from my hand. But not for long. One day his hand was not steady and he shot too close, and the neck of the bottle cut my hand. And my teniente—Ai! He just dropped the revolver on the ground and said, 'That's the end of it, Fermin,' and he walked back to the convent, and his shoulders were like the shoulders of an old man.

"After that he went out no more, and I took my blanket into his room and slept on the floor, and all night long I could hear him tossing on his cot. Sometimes he would say, 'Are you there, Fermin?' and I would say, 'I am always here, mi teniente,' and then he would rest for a little while.



"Adios, Señor Don Augusto. We shall not meet again for some time"

and he looked at my eye. Often, when he thought no one saw him, he looked at it. Then I had an idea. My teniente was very short with me because he was sorry, and Don Isidro was so young it was not hard to make him think that I was angry with the teniente. After a few days he met me in the Plaza and said: 'I am very sorry that the teniente struck you, Fermin, for he is a friend of mine, and I hope no harm will come to him. I have heard that a Macabebe never forgives a blow, but I hope you will be patient.'

"What a fool that young Isidro was! I looked at him and I said: 'If a Macabebe forgives a blow as soon as a Bisayan forgives the death of his pariente, there is no danger for your friend.'

"He looked at me very long and hard, and I knew I had him. He put his hand in his pocket and pulled out a little paper. 'There is a sleeping-powder in that,' he said. 'The teniente will not strike you again if you do not wish it.'

"That young fool knew nothing at all—like a baby. I took the paper home and told my teniente, and we gave some of the powder to a monkey, and he curled up and died very quick. That was at night, and the teniente looked at the dead monkey and the paper, and he laughed just the way he did the morning the guard led in Don Augusto.

"Next morning I was putting the breakfast on the table, and my teniente was standing at the window of the sala, looking down at the Plaza. And all at once I heard him laugh, not very loud, and he called: 'Hoy, Don Isidro! Have the complacency to come up, amigo. I have news for you.' And soon Don Isidro came up.

"Jesús María, he was a pisaverde that morning! White coat and breeches, and high boots of black leather, and silver spurs, and long gloves of soft white leather.

"Have the good-heartedness to share my poor breakfast,' my teniente said, and Don Isidro sat down, and they ate till I had no patience left. But at last Don

revolver and be ready to escort Don Isidro down to San Pablo.'

"Mi teniente,' I said, 'does one call a Macabebe a traitor and ask him to kill his officer for nothing?'

"Get your own revolver, then,' he said.

"When I came back Don Isidro's cigarette was getting short. They both stood up and the lieutenant said: 'Adiós, Don Isidro. An easy journey to you, and a welcome in—San Pablo. I need not tell you, Fermin, to be very careful that he does not escape.'

"So we went away—and my teniente never knew that I made Don Isidro carry along a spade I saw in the guard-room. One does not call a Macabebe a traitor for nothing. There is no more wood, and it gets late and cold. Are you sleepy, or shall I tell the rest of the story while our fire dies?

"Bueno. I will not be long. Some of this story got out—not much, for only the teniente and I knew it all—but it frightened the other Americans, and they said my teniente was crazy. Sangre de Díos! He was not crazy then, but only one of God's own little devils. He was crazy afterward, but they made him so. Listen while I tell you what they did to him.

"There is a little place very far back in the hills, Santo Spirito they call it, where the frailes used to go for a retreat. There is nothing there, just a big convent of stone, where no one lives, and a few little dirty houses, and the mountains behind, and the jungle in front, and the only people are lazy Bisayanos, who do no work and are half drunk with opium. And they sent my teniente there to eat his heart!

"He was very brave, but there was nothing to do. The mountain was empty, and there was no one in the jungle, and the people of Santo Spirito were too lazy to be bad. But he was brave, he made work. We drilled every day, and we made a parade-ground of the Plaza in front of the convent, and built arches of concrete at the corners of it for the water in the rainy season. But always there was the evening coming, when my teniente had to sit in the big sala, with the

"But one night I woke and he was not on his cot. I got up to look and he came in from the balcony—there was a closed balcony all around the convent, outside the rooms—and he was dressed and had his two revolvers and his shotgun. And he did not seem to see me.

"Mi teniente! I said.

"He looked where I was, and still he did not seem to see me. 'Be on guard,' he said. 'They may come at any time.' And he went out into the balcony again, and I could hear his feet—tramp, tramp, very slow—while he went down to the far end and came back on the other side.

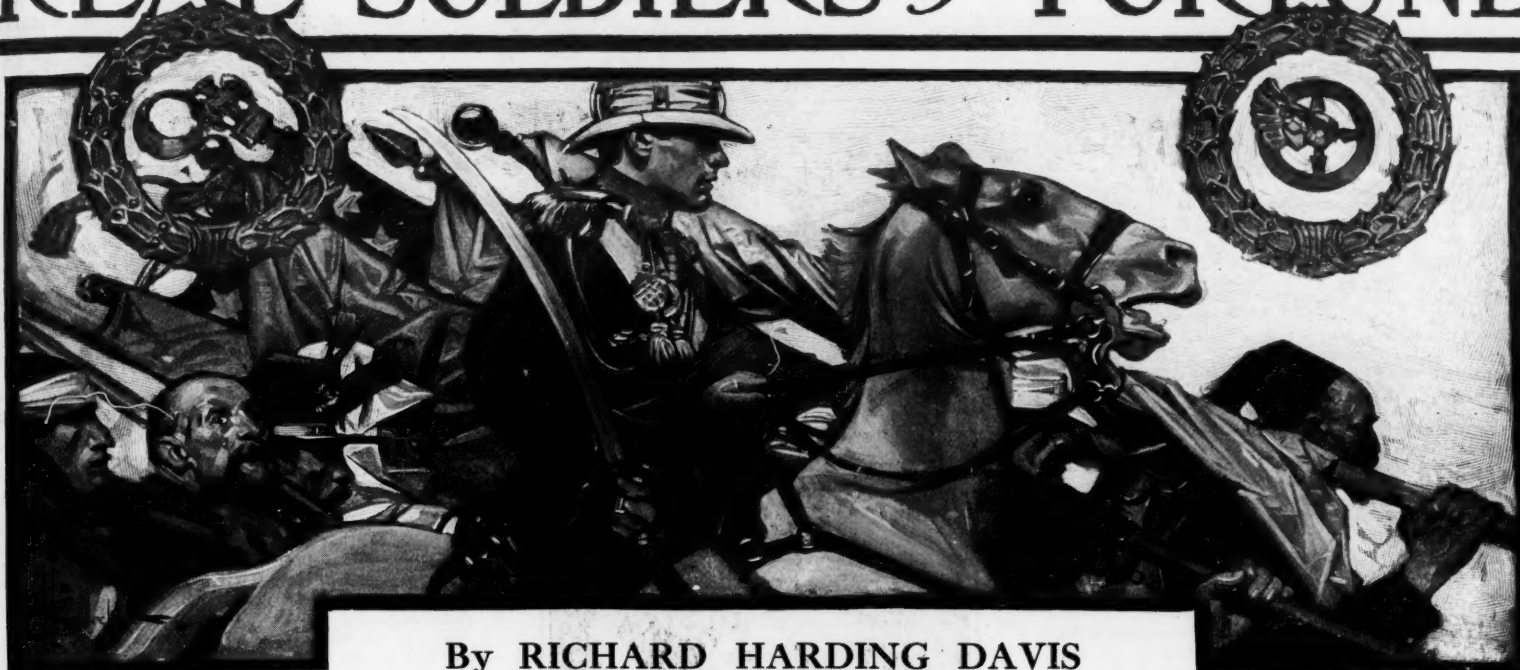
"Ai, but I was scared! We were all scared, for every night after that we could hear his feet, and he did not seem to see us, but sometimes he would call: 'On guard! They may come at any time now.' But we did all we could, if we were frightened.

"And then the end came, the end of the game for my teniente. Five days I brought his food and he did not touch it, only drank aguardiente instead. And five nights, all night long, we heard him marching all around the balcony, with his two revolvers and his shotgun. And the last night I was so tired that I fell asleep. I do not know how long I slept, but all at once I heard my teniente shout 'Halt!' and then his feet, quick, as if he was running, and then a crash on the ground outside. I ran, and some of the guard ran, and we found him lying on the stones in the patio, dead where he had fallen.

"And that is the way they killed my teniente—my teniente, who might have been Governor-General of the world if they had let him play the game. Oh, but he was a brave one! Even when he was crazy and heard the enemies coming we could not see, he was not afraid of them, but ran out to meet them."

A last ember of the fire flamed up, and Fermin Majusay turned his face quickly from the telltale light. "It was a long story," he said, and loosened his revolver in the holster. "Sleep without fear," he said. "No one will trouble us when I am here."

REAL SOLDIERS of FORTUNE



By RICHARD HARDING DAVIS

This is the third of a series of six articles describing the most interesting incidents in the careers of men who devoted their lives to adventure. The next paper, to be published August 25, will tell of the career of the late Capt. Philo Norton McGiffin, I.C.N.

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III.—WINSTON SPENCER CHURCHILL

IN THE strict sense of the phrase, a soldier of fortune is a man who for pay, or for the love of adventure, fights under the flag of any country.

In the bigger sense he is the kind of man who in any walk of life makes his own fortune, who when he sees it coming, leaps to meet it, and turns it to his advantage.

Than Winston Spencer Churchill to-day there are few young men—and he is a very young man—who have met more varying fortunes, and none who has more frequently bent them to his own advancement. To him it has been indifferent whether, at the moment, the fortune seemed good or evil, in the end always it was good.

As a boy officer, when other subalterns were playing polo, and at the Gaiety Theatre attending night school, he ran away to Cuba and fought with the Spaniards. For such a breach of military discipline, any other officer would have been court-martialed. Even his friends feared that by his foolishness his career in the army was at an end. Instead, his escapade was made a question in the House of Commons, and the fact brought him such publicity that the "Daily Graphic" paid him handsomely to write on the Cuban Revolution, and the Spanish Government rewarded him with the Order of Military Merit.

At the very outbreak of the Boer War he was taken prisoner. It seemed a climax of misfortune. With his brother officers he had hoped in that campaign to acquit himself with credit, and that he should lie inactive in Pretoria appeared a terrible calamity. To the others, who, through many heart-breaking months, suffered imprisonment, it continued to be a calamity. But within six weeks of his capture Churchill escaped, and, after many adventures, rejoined his own army to find that the calamity had made him a hero.

Pot Shots at Fate

When after the Battle of Omdurman, in his book on "The River War," he attacked Lord Kitchener, those who did not like him, and they were many, said: "That's the end of Winston in the army. He'll never get another chance to criticize K. of K."

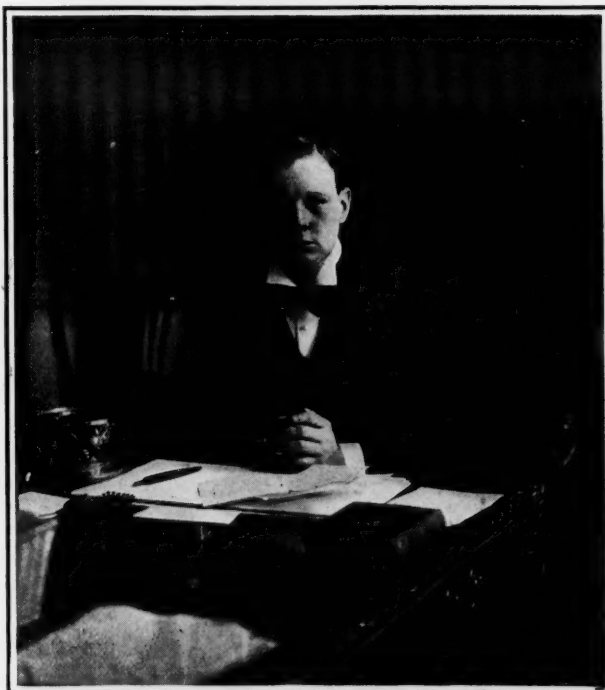
But only two years later the chance came, when, no longer a subaltern, but as a member of the House of Commons, he patronized Kitchener by defending him from the attacks of others. Later, when his assaults upon the leaders of his own party closed to him, even in his own constituency, the Conservative debating clubs, again his ill-wishers said: "This is the end. He has ridiculed those who sit in high places. He has offended his cousin and patron, the Duke of Marlborough. Without political friends, without the influence and money of the Marlborough family he is a political nonentity." That was eighteen months ago. To-day, at the age of thirty-two, he is one of the leaders of the Government party, Under-Secretary for the Colonies, and with the Liberals the most popular young man in public life.

Only last Christmas, at a banquet, Sir Edward Grey, the new Foreign Secretary, said of him: "Mr. Winston Churchill has achieved distinction in at least five different careers—as a soldier, a war correspondent,

ent, a lecturer, an author, and last, but not least, as a politician. I have understated it even now, for he has achieved two careers as a politician—one on each side of the House. His first career on the Government side was a really distinguished career. I trust the second will be even more distinguished—and more prolonged. The remarkable thing is that he has done all this when, unless appearances very much belie him, he has not reached the age of sixty-four, which is the minimum age at which the politician ceases to be young."

Ancestral Portraiture

Winston Leonard Spencer Churchill was born thirty-two years ago, in November, 1874. By birth he is half American. His father was Lord Randolph Churchill, and his mother was Jennie Jerome of New York. On the father's side he is the grandchild of the seventh Duke of Marlborough, on the distaff side, of Leonard Jerome.



WINSTON LEONARD SPENCER CHURCHILL
British Under-Secretary for the Colonies

To a student of heredity it would be interesting to try and discover from which of these ancestors Churchill drew those qualities which in him are most prominent, and which have led to his success.

What he owes to his father and mother it is difficult to overestimate, almost as difficult as to overestimate what he has accomplished by his own efforts.

He was not a child born a full-grown genius of commonplace parents. Rather his fate threatened that he should always be known as the son of his father. And certainly it was asking much of a boy that he should live up to a father who was one of the most conspicuous, clever, and erratic statesmen of the later Victorian era, and a mother who is as brilliant as she is beautiful.

For at no time was the American wife content to be merely ornamental. Throughout the political career of her husband she was his helpmate, and as an officer of the Primrose League, as an editor of the "Anglo-Saxon Review" as, for many hot, weary months in Durban Harbor, the head of the hospital ship *Maine*, she has shown an acute mind and real executive power. At the polls many votes that would not respond to the arguments of the husband, and later of the son, were gained over to the cause by the charm and wit of the American woman.

In his earlier days, if one can have days any earlier than those he now enjoys, Churchill was entirely influenced by two things; the tremendous admiration he felt for his father, which filled him with ambition to follow in his orbit, and by the camaraderie of his mother, who treated him less like a mother than a sister and companion.

Indeed, Churchill was always so precocious that I can not recall the time when he was young enough to be Lady Randolph's son; certainly, I can not recall the time when she was old enough to be his mother.

When first I knew him he had passed through Harrow and Sandhurst and was a Second Lieutenant in the Queen's Own Hussars. He was just of age, but appeared much younger.

He was below medium height, a slight, delicate-looking boy; although as a matter of fact extremely strong, with blue eyes, many freckles and hair which threatened to be a decided red, but which now has lost its fierceness. When he spoke it was with a lisp, which also has changed, and which now appears to be merely an intentional hesitation.

The Ways of the Father

His manner of speaking was nervous, eager, oratorical. He used many gestures, some of which were strongly reminiscent of his father, of whom he, unlike most English lads, who shy at mentioning a distinguished parent, constantly spoke.

He even copied his father in his little tricks of manner. Standing with hands shoved under the frock coat and one resting on each hip as though squeezing in the waist line; when seated, resting the elbows on the arms of the chair and nervously locking and unclasping fingers, are tricks common to both.

He then had and still has a most embarrassing habit of asking many questions; embarrassing, sometimes, because the questions are so frank, and sometimes because they lay bare the wide expanse of one's own ignorance.

At that time, although in his twenty-first year, this lad twice had been made a question in the House of Commons.

That in itself had rendered him conspicuous. When you consider out of Great Britain's four hundred million subjects how many live, die, and are buried without at any age having drawn down upon themselves the anger of the House of Commons, to twice

have done so, before one has passed his twenty-first year, seems to promise a lurid future.

The first time Churchill disturbed the august assemblage in which later he was to become so prominent a leader was when he "ragged" a brother subaltern named Bruce and cut up his saddle and accoutrements. The second time was when he ran away to Cuba to fight with the Spaniards.

After this campaign, on the first night of his arrival in London, he made his maiden speech. He delivered it in a place of less dignity than the House of Commons, but one, throughout Great Britain and her colonies, as widely known and as well supported. This was the Empire Music Hall.

At the time Mrs. Ormiston Chant had raised objections to the presence in the Music Hall of certain young women, and had threatened, unless they ceased to frequent its promenade, to have the license of the Music Hall revoked. As a compromise, the management ceased selling liquor, and on the night Churchill visited the place the bar in the promenade was barricaded with scantling and linen sheets. With the thirst of tropical Cuba still upon him, Churchill asked for a drink, which was denied him, and the crusade, which in his absence had been progressing fiercely, was explained. Any one else would have taken no for his answer, and have sought elsewhere for his drink. Not so Churchill. What he did is interesting, because it was so extremely characteristic. Now he would not do it; then he was twenty-one.

Charging the Empire Barricades

He scrambled to the velvet-covered top of the railing which divides the auditorium from the promenade and made a speech. It was a plea in behalf of his "Sisters, the Ladies of the Empire Promenade."

"Where," he asked of the ladies themselves and of their escorts crowded below him in the promenade, "does the Englishman in London always find a welcome? Where does he first go when, battle-scarred and travel-worn, he reaches home? Who is always there to greet him with a smile, and join him in a drink? Who is ever faithful, ever true—the Ladies of the Empire Promenade."

The laughter and cheers that greeted this, and the tears of the ladies themselves, naturally brought the performance on the stage to a stop, and the vast audience turned in the seats and boxes.

They saw a little red-haired boy, in evening clothes, balancing himself on the rail of the balcony, and around him a great crowd, cheering, shouting, and bidding him "Go on!"

Churchill turned with delight to the larger audience, and repeated his appeal. The house shook with laughter and applause.

The commissionaires and police tried to reach him and a good-tempered but very determined mob of well-dressed gentlemen and cheering girls fought them back. In triumph Churchill ended his speech by begging his hearers to give "fair play" to the women, and to follow him in a charge upon the barricades.

The charge was instantly made, the barricades were torn down, and the terrified management ordered that drink be served to its victorious patrons.

Shortly after striking this blow for the liberty of others, Churchill organized a dinner which illustrated the direction in which at that age his mind was working, and that his ambition was already abnormal. The dinner was given to those of his friends and acquaintances who "were under twenty-one years of age, and who in twenty years would control the destinies of the British Empire."

As one over the age limit, or because he did not consider me an empire-controlling force, on this great occasion, I was permitted to be present. But except that the number of incipient empire-builders was very many, that they were very happy, and that save the host himself none of them took his idea seriously, I would not call it an evening of historical interest. But the fact is interesting that of all the boys present, as yet, the host seems to be the only one who to any conspicuous extent is disturbing the destinies of Great Britain. However, the others can reply that ten of the twenty years have not yet passed.

When he was twenty-three Churchill obtained leave of absence from his regiment, and as there was no other way open to him to see fighting, as a correspondent he joined the Malakand Field Force in India.

A Model War Book

It may be truthfully said that by his presence in that frontier war he made it and himself famous. His book on that campaign is his best piece of war reporting. To the civilian reader it has all the delight of one of Kipling's Indian stories, and to writers on military subjects it is a model. But it is a model very few can follow, and which Churchill himself was unable to follow, for the reason that only once is it given a man to be twenty-three years of age.

The picturesque hand-to-hand fighting, the night attacks, the charges up precipitous hills, the retreats made carrying the wounded under constant fire, which he witnessed and in which he bore his part, he never again can see with the same fresh and enthusiastic eyes. Then it was absolutely new, and the charm of the book and the value of the book are that with the intolerance of youth he attacks in the service evils that older men prefer to let lie, and that with the ingenuousness of youth he tells of things which to the veteran have become unimportant, or which through usage he is no longer even able to see.

In his three later war books, the wonder of it, the horror of it, the quick admiration for brave deeds and

daring men, gives place, in "The River War," to the critical point of view of the military expert, and in his two books on the Boer War to the rapid impressions of the journalist. In these latter books he tells you of battles he has seen, in the first one he made you see them.

For his services with the Malakand Field Force he received the campaign medal with clasp, and, "in



WINSTON CHURCHILL

In the uniform of the Fourth Queen's Own Hussars, at the age of 21, when he fought with the Spaniards

despatches," Brigadier-General Jeffreys praises "the courage and resolution of Lieutenant W. L. S. Churchill, Fourth Hussars, with the force as correspondent of the 'Pioneer.'"

From the operations around Malakand, he at once joined Sir William Lockhart as orderly officer, and with the Tirah Expedition went through that campaign. For this his Indian medal gained a second clasp.

Three Campaigns in One Year

This was in the early part of 1898. In spite of the time taken up as an officer and as a correspondent, he finished his book on the Malakand Expedition, and then, as it was evident Kitchener would soon attack Khartum, he jumped across to Egypt and again as a correspondent took part in the advance upon that city.

Thus, in one year, he had seen service in three campaigns.

On the day of the battle his luck followed him. Kitchener had attached him to the Twenty-first Lancers, and it will be remembered the event of the battle was the charge made by that squadron. It was no canter, no easy "pig sticking"; it was a fight to get



WINSTON CHURCHILL

Playing polo at Hurlingham; his most recent photograph

in and a fight to get out, with frenzied followers of the Khalifa hanging to the bridle reins, hacking at the horses' hamstrings, and slashing and firing pointblank at the troopers. Churchill was in that charge. He received the medal with clasp.

Then he returned home and wrote "The River War." This book is the last word on the campaigns up the

Nile. From the death of Gordon in Khartum to the capture of the city by Kitchener, it tells the story of the many gallant fights, the wearying failures, the many expeditions into the hot, boundless desert, the long, slow progress toward the final winning of the Sudan.

The book made a distinct sensation. It was a work that one would expect from a Lieutenant-General, when, after years of service in Egypt, he laid down his sword to pen the story of his life's work. From a Second Lieutenant, who had been on the Nile hardly long enough to gain the desert tan, it was a revelation. As a contribution to military history it was so valuable that for the author it made many admirers, but on account of his criticisms of his superior officers it gained him even more enemies.

This is a specimen of the kind of thing that caused the retired army officer to sit up and choke with apoplexy:

"General Kitchener, who never spares himself, cares little for others. He treated all men like machines, from the private soldiers, whose salutes he disdain, to the superior officers, whom he rigidly controlled. The comrade who had served with him and under him for many years, in peace and peril, was flung aside as soon as he ceased to be of use. The wounded Egyptian and even the wounded British soldier did not excite his interest."

Criticizing Lord Kitchener

When in the service clubs they read that, the veterans asked each other their favorite question of what is the army coming to, and to their own satisfaction answered it by pointing out that when a Lieutenant of twenty-four can reprimand the Commanding General the army is going to the dogs.

To the newspapers, hundreds of them, over their own signatures, on the service club stationery, wrote violent, furious letters, and the newspapers themselves, beside the ordinary reviews, gave to the book editorial praise and editorial condemnation.

Equally disgusted were the younger officers of the service. They nicknamed his book "A Subaltern's Advice to Generals," and called Churchill himself a "Medal Snatcher." A medal snatcher is an officer who, whenever there is a rumor of war, leaves his men to the care of any one, and through influence in high places and for the sake of the campaign medal has himself attached to the expeditionary force. But Churchill never was a medal hunter. The routine of barrack life irked him, and in foreign parts he served his country far better than by remaining at home and inspecting awkward squads and attending guard mount. Indeed, the War Office could cover with medals the man who wrote "The Story of the Malakand Field Force" and "The River War," and still be in his debt.

In October, 1898, a month after the battle of Omdurman, Churchill made his debut as a political speaker at minor meetings in Dover and Rotherhithe. History does not record that these first speeches set fire to the Channel. During the winter he finished and published his "River War," and in the August of the following summer, 1899, at a by-election, offered himself as Member of Parliament for Oldham.

In the "Daily Telegraph" his letters from the three campaigns in India and Egypt had made his name known, and there was a general desire to hear him and to see him. In one who had attacked Kitchener of Khartum, the men of Oldham expected to find a stalwart veteran, bearded, and with a voice of command. When they were introduced to a small red-haired boy with a lisp, they refused to take him seriously. In England youth is an unpardonable thing. Later, Curzon, Churchill, Edward Grey, Hugh Cecil, and others have made it less reprehensible. But, in spite of a vigorous campaign, in which Lady Randolph took an active part, for a member Oldham decided it was not ready to accept young Churchill. Later he was Oldham's only claim to fame.

A week after he was defeated he sailed for South Africa, where war with the Boers was imminent. He had resigned from his regiment and went south as war correspondent for the "Morning Post."

He Used Both Pen and Sword

Later in the war he held a commission as Lieutenant in the South African Light Horse, a regiment of irregular cavalry, and on the staff of different generals acted as galloper and aide-de-camp. To this combination of duties, which was in direct violation of a rule of the War Office, his brother officers and his fellow correspondents objected; but, as in each of his other campaigns he had played this dual rôle, the press censors considered it a traditional privilege and winked at it. As a matter of record, Churchill's soldiering never seemed to interfere with his writing, nor, in a fight, did his duty to his paper ever prevent him from mixing in as a belligerent.

War was declared October 9, and only a month later, while scouting in the armored train along the railroad line between Pietermaritzburg and Colenso, the cars were derailed and Churchill was taken prisoner.

The train was made up of three flat cars, two armored cars, and between them the engine, with three cars coupled to the cow-catcher and two to the tender.

On the outward trip the Boers did not show themselves, but as soon as the English passed Frere station they rolled a rock on the track at a point where it was hidden by a curve. On the return trip, as the English approached this curve the Boers opened fire with artillery and pompoms. The engineer, in his eagerness to escape, rounded the curve at full speed, and, as



WINSTON CHURCHILL

As he appears to-day at the age of thirty-one

the Boers had expected, hit the rock. The three forward cars were derailed, and one of them was thrown across the track, thus preventing the escape of the engine and the two rear cars. From these Captain Haldane, who was in command, with a detachment of the Dublins, kept up a steady fire on the enemy, while Churchill worked to clear the track. To assist him he had a company of Natal volunteers, and those who had not run away of the train hands and break-down crew.

"We were not long left in the comparative safety of a railroad accident," Churchill writes to his paper.

"The Boers' guns, swiftly changing their position, reopened fire from a distance of thirteen hundred yards before any one had got out of the stage of exclamations. The tapping rifle-fire spread along the hills, until it encircled the wreckage on three sides, and from some high ground on the opposite side of the line a third field-gun came into action."

For Boer marksmen with Mausers and pom-poms, a wrecked railroad train at thirteen hundred yards was as easy a bull's-eye as the hands of the first baseman to the pitcher, and while the engine butted and snorted and the men with their bare hands tore at the massive beams of the freight car, the bullets and shells beat about them.

"I have had in the last four years many strange and varied experiences," continues young Churchill, "but nothing was so thrilling as this; to wait and struggle among these clanging, rending iron-boxes, with the repeated explosions of the shells, the noise of the projectiles striking the cars, the hiss as they passed in the air, the grunting and puffing of the engine—poor, tortured thing, hammered by at least a dozen shells, any one of which, by penetrating the boiler, might have made an end of all—the expectation of destruction as a matter of course, the realization of powerlessness—all this for seventy minutes by the clock, with only four inches of twisted iron between danger, captivity, and shame on one side—and freedom on the other."

Churchill is Captured

The "protected" train had proved a death-trap, and by the time the line was clear every fourth man was killed or wounded. Only the engine, with the more severely wounded heaped in the cab and clinging to its cow-catcher and foot-rails, made good its escape. Among those left behind, a Tommy, without authority, raised a handkerchief on his rifle, and the Boers instantly ceased firing and came galloping forward to accept surrender. There was a general stampede to escape. Seeing that Lieutenant Franklin was gallantly trying to hold his men, Churchill, who was safe on the engine, jumped from it and ran to his assistance. Of what followed, this is his own account:

"Scarcely had the locomotive left me than I found myself alone in a shallow cutting, and none of our soldiers, who had all surrendered, to be seen. Then suddenly there appeared on the line at the end of the cutting two men not in uniform. 'Plate-layers,' I said to myself, and then, with a surge of realization, 'Boers.' My mind retains a momentary impression of these tall figures, full of animated movement, clad in dark flapping clothes, with slouch, storm-driven hats, posing their rifles hardly a hundred yards away. I turned and ran between the rails of the track, and the only thought I achieved was this: 'Boer marksmanship.'"

"Two bullets passed, both within a foot, one on either side. I flung myself against the banks of the cutting. But they gave no cover. Another glance at the figures; one was now kneeling to aim. Again I darted forward. Again two soft kisses sucked in the air, but nothing struck me. I must get out of the cutting—that damnable corridor. I scrambled up the bank. The earth sprang up beside me, and a

bullet touched my hand, but outside the cutting was a tiny depression. I crouched on this, struggling to get my wind. On the other side of the railway a horseman galloped up, shouting to me and waving his hand. He was scarcely forty yards off. With a rifle I could have killed him easily. I knew nothing of the white flag, and the bullets had made me savage. I reached down for my Mauser pistol. I had left it in the cab of the engine. Between me and the horseman there was a wire fence. Should I continue to fly? The idea of another shot at such a short range decided me. Death stood before me, grim and sullen; Death without his light-hearted companion, Chance. So I held up my hand, and, like Mr. Jorrocks's foxes, cried 'Capivy.' Then I was herded with the other prisoners in a miserable group, and about the same time I noticed that my hand was bleeding, and it began to pour with rain.

Churchill Plans His Escape

"Two days before I had written to an officer at home: 'There has been a great deal too much surrendering in this war, and I hope people who do so will not be encouraged.'"

With other officers, Churchill was imprisoned in the State Model Schools, situated in the heart of Pretoria. That on the very day of his arrival he began to plan to escape from it was distinctly characteristic.

Toward this end his first step was to lose his campaign hat, which he recognized was too obviously the hat of an English officer. The burgher to whom he gave money to purchase him another innocently brought him a Boer sombrero.

Before his chance to escape came a month elapsed, and the opportunity that then offered was less an opportunity to escape than to get himself shot.

The State Model Schools were surrounded by the children's playgrounds, penned in by a high wall, and at night, while it was used as a prison, brilliantly lighted by electric lights. After many nights of observation, Churchill discovered that while the sentries were pacing their beats there was a moment when to them a certain portion of the wall was in darkness. This was due to cross-shadows cast by the electric



WINSTON CHURCHILL

As war correspondent in South Africa at the time of his capture

lights. On the other side of this wall there was a private house set in a garden filled with bushes. Beyond this was the open street.

To scale the wall was not difficult; the real danger lay in the fact that at no time were the sentries further



WINSTON CHURCHILL

Landing from the steamer "Induna" at Durban after his escape from the Boer prison. He is acknowledging the cheers of the reception committee



WINSTON CHURCHILL

In the uniform of lieutenant of South African Light Horse

away than fifteen yards, and the chance of being shot by one or both of them was excellent. To a brother officer Churchill confided his purpose, and together they agreed that some night when the sentries had turned from the dark spot on the wall they would scale it and drop among the bushes in the garden. After they reached the garden, should they reach it alive, what they were to do they did not know. How they were to proceed through the streets and out of the city, how they were to pass unchallenged under its many electric lights and before the illuminated shop windows, how to dodge patrols, and how to find their way through two hundred and eighty miles of a South African wilderness, through an utterly unfamiliar, unfriendly, and sparsely settled country into Portuguese territory and the Coast, they left to chance. But with luck they hoped to cover the distance in a fortnight, begging corn at the Kaffir kraals, sleeping by day and marching under cover of the darkness.

The Escape from Prison

They agreed to make the attempt on the 11th of December, but on that night the sentries did not move from the only part of the wall that was in shadow. On the night following, at the last moment, something delayed Churchill's companion, and he essayed the adventure alone. He writes: "Tuesday, the 12th! Anything was better than further suspense. Again night came. Again the dinner bell sounded. Choosing my opportunity, I strolled across the quadrangle and secreted myself in one of the offices. Through a chink I watched the sentries. For half an hour they remained stolid and obstructive. Then suddenly one turned and walked up to his comrade and they began to talk. Their backs were turned. I darted out of my hiding-place and ran to the wall, seized the top with my hands and drew myself up. Twice I let myself down again in sickly hesitation, and then with a third resolve scrambled up. The top was flat. Lying on it, I had one parting glimpse of the sentries, still talking, still with their backs turned, but, I repeat, still fifteen yards away. Then I lowered myself into the adjoining garden and crouched among the shrubs. I was free. The first step had been taken, and it was irrevocable."

Churchill discovered that the house into the garden of which he had so unceremoniously introduced himself was brilliantly lighted, and that the owner was giving a party. At one time two of the guests walked into the garden and stood, smoking and chatting, in the path within a few yards of him.

Thinking his companion might yet join him, for an hour he crouched in the bushes, until from the other side of the wall he heard the voice of his friend and of another officer.

"It's all up!" his friend whispered. Churchill coughed tentatively. The two voices drew nearer. To confuse the sentries, should they be listening, the one officer talked nonsense, laughed loudly, and quoted Latin phrases, while the other, in a low and distinct voice, said: "I can not get out. The sentry suspects. It's all up. Can you get back again?"

To go back was impossible. Churchill now felt that in any case he was sure to be recaptured and decided he would, as he expresses it, at least have a run for his money.

"I shall go on alone," he whispered. He heard the footsteps of his two friends move away from him across the play-yard. At the same moment he stepped boldly out

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Real Soldiers of Fortune

(Continued from page 19)

into the garden, and passing the open windows of the house, walked down the gravel path to the street. Not five yards from the gate stood a sentry. Most of those guarding the schoolhouse knew him by sight, but Churchill did not turn his head, and whether the sentry recognized him or not, he could not tell.

For a hundred feet he walked as though on ice, inwardly shrinking as he waited for the sharp challenge, and the rattle of the Mauser thrown to the "Ready." His nerves were leaping, his heart in his throat, his spine of water. And then, as he continued to advance, and still no tumult pursued him, he quickened his pace and turned into one of the main streets of Pretoria. The sidewalks were crowded with burghers, but no one noticed him. This was due probably to the fact that the Boers wore no distinctive uniform, and that with them in their commandoes were many English Colonials who wore khaki riding-breeches, and many Americans, French, Germans, and Russians, in every fashion of semi-uniform.

If observed, Churchill was mistaken for one of these, and the very openness of his movements saved him from suspicion.

The Dash for Freedom

Straight through the town he walked until he reached the suburbs, the open veldt, and a railroad track. As he had no map or compass he knew this must be his only guide, but he knew also that two railroads left Pretoria, the one along which he had been captured, to Pietermaritzburg, and the other, the one leading to the Coast and freedom. Which this one was he had no idea, but he took his chance, and a hundred yards beyond a station waited for the first outgoing train. About midnight, a freight stopped at the station and after it had left it and before it had again gathered headway, Churchill swung himself up upon it, and stretched out upon a pile of coal. Throughout the night the train continued steadily toward the East, and so told him that it was the one he wanted, and that he was on his way to the neutral territory of Portugal.

Fearing the daylight, just before the sun rose, as the train was pulling up a steep grade, he leaped off into some bushes. All that day he lay hidden, and the next night he walked. He made but little headway. As all stations and bridges were guarded, he had to make long detours and the tropical moonlight prevented him from crossing in the open. In this way, sleeping by day, walking by night, begging food from the Kaffirs, five days passed.

Meanwhile, his absence had been at once discovered, and, by the Boers, every effort was being made to retake him. Telegrams giving his description were sent along both railways, three thousand photographs of him were distributed, each car of every train was searched, and in different parts of the Transvaal men who resembled him were being arrested. It was said he had escaped dressed as a woman, in the uniform of a Transvaal policeman whom he had bribed; that he had never left Pretoria, and that in the disguise of a waiter he was concealed in the house of a British sympathizer. On the strength of this rumor the houses of all suspected persons were searched.

Wandering in the Wilderness

In the Volksstem it was pointed out as a significant fact that a week before his escape Churchill had drawn from the library Mill's "Essay on Liberty."

In England and over all British South Africa the escape created as much interest as it did in Pretoria. Because the attempt showed pluck, and because he had outwitted the enemy, Churchill for the time became a sort of popular hero, and to his countrymen his escape gave as much pleasure as it was a cause of chagrin to the Boers.

But as days passed and nothing was heard of him, it was feared he had lost himself in the Machadodorp Mountains, or had succumbed to starvation, or, in the jungle toward the Coast, to fever, and congratulations gave way to anxiety.

The anxiety was justified, for at this time Churchill was in a very bad way. During the month in prison he had obtained but little exercise. The lack of food and of water, the cold by night and the terrific heat by day, the long stumbling marches in the darkness, the mental effect upon an extremely nervous, high-strung organization of being hunted, and of having to hide from his fellow men, had worn him down to a condition almost of collapse.

Even though it were neutral soil, in so exhausted a state he dared not venture into the swamps and waste places of the Portuguese territory; and, sick at heart as well as sick in body, he saw no choice left him save to give himself up.

But before doing so he carefully prepared a tale which, although most improbable, he hoped might still conceal his identity and aid him to escape by train across the border.

One night after days of wandering he found himself on the outskirts of a little village near the boundary line of the Transvaal and Portuguese territory. Utterly unable to proceed further, he crawled to the nearest zinc-roofed shack, and, fully prepared to surrender, knocked at the door. It was opened by a rough-looking bearded giant, the first white man to whom in many days Churchill had dared address himself.

To him, without hope, he feebly stammered forth the speech he had rehearsed. The man

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Real Soldiers of Fortune

(Continued from page 20)

listened with every outward mark of disbelief. At Churchill himself he stared with open suspicion. Suddenly he seized the boy by the shoulder, drew him inside the hut, and barred the door.

"You needn't lie to me," he said. "You are Winston Churchill, and I am the only Englishman in this village."

The rest of the adventure was comparatively easy. The next night his friend in need, an engineer named Howard, smuggled Churchill into a freight-car, and hid him under sacks of some soft merchandise.

At Komatie-Poort, the station exactly on the border, for eighteen hours the car in which Churchill lay concealed was left in the sun on a siding, and before it again started it was searched, but the man who was conducting the search lifted only the top layer of sacks, and two minutes later Churchill heard the hollow roar of the car as it passed over the bridge, and knew that he was across the border.

Even then he took no chances, and for two days more, until he reached Lorenzo Marques, lay hidden at the bottom of the car.

From the train-yard he at once sought out the English Consul, who, after first mistaking him for a stoker from one of the ships in the harbor, gave him a drink, a bath, and a dinner.

As good luck would have it, the *Induna* was leaving that night for Durban, and, escorted by a bodyguard of English residents armed with revolvers, and who were taking no chances of his recapture by the Boer agents, he was placed safely on board. Two days later he arrived at Durban, where he was received by the Mayor, the populace,



WINSTON CHURCHILL
as a member of the British Parliament

and a brass band playing: "Britons Never, Never, Never shall be Slaves!"

For the next month Churchill was bombarded by letters and telegrams from every part of the globe; some invited him to command filibustering expeditions, others sent him woolen comforters, some forwarded photographs of himself to be signed, others photographs of themselves, possibly to be admired, others sent poems, and some bottles of whisky.

One admirer wrote: "My congratulations on your wonderful and glorious deeds, which will send such a thrill of pride and enthusiasm through Great Britain and the United States of America, that the Anglo-Saxon race will be irresistible."

Least so large an order as making the Anglo-Saxon race irresistible might turn the head of a subaltern an antiseptic cablegram was also sent him, from London, reading:

"Best friends here hope you won't go making further ass of yourself. McNeill."

One day in camp we counted up the price per word of this cablegram, and Churchill was boyishly delighted to find that it must have cost the man who sent it five pounds.

On the day of his arrival in Durban, with the cheers still in the air, Churchill took the first train to "the front," then at Colenso. Another man might have lingered. After a month's imprisonment and the hardships of the escape, he might have been excused for delaying twenty-four hours to taste the sweets of popularity and the flesh-pots of the Queen Hotel. But if the reader has followed this brief biography he will know that to have done so would have been out of the part. This characteristic of his to get on to the next thing explains his success. He has no time to waste on post-mortems, he takes none to rest on his laurels.

As a war correspondent and officer he continued with Buller until the relief of Lady-

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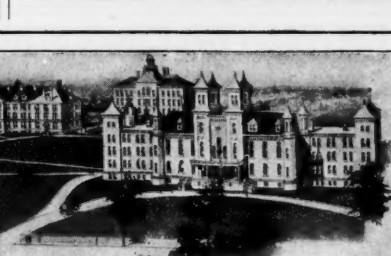


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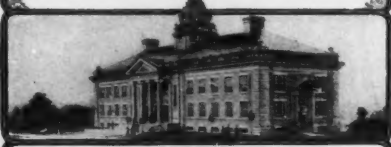
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Real Soldiers of Fortune

(Continued from page 21)

smith, and with Roberts until the fall of Pretoria. He was in many actions, in all the big engagements, and came out of the war with another medal and clasps for six battles.

On his return to London he spent the summer finishing his second book on the war, and in October at the general election as a "khaki" candidate, as were called those who favored the war, again stood for Oldham. This time, with his war record to help him, he wrested from the Liberals one of Oldham's two seats. He had been defeated by thirteen hundred votes; he was elected by a majority of two hundred and twenty-seven.

The few months that intervened between his election and the opening of the new Parliament were snatched by Churchill for a lecturing tour at home, and in the United States and Canada. His subject was the war and his escape from Pretoria.

When he came to this country half of the people here were in sympathy with the Boers, and did not care to listen to what they imposed would be a strictly British version of the war. Also both financially and more especially in spirit, he suffered from the mismanagement of the late Major Pond. Among other blunders, Pond, without asking permission of those whose names he advertised, organized for Churchill's first appearance in various cities, different reception committees.

Some of those whose names, without their consent, were used for these committees, wrote indignantly to the papers, saying that while for Churchill, personally, they held every respect, they objected to being used to advertise an anti-Boer demonstration.

While this was no fault of Churchill's, who, until he reached this country knew nothing of it, it was neither for him nor for the success of his tour the best kind of advance work.

Churchill in New York

During the fighting to relieve Ladysmith, with General Buller's force, Churchill and I had again been together, and later when I joined the Boer army, at the Zand River Battle, the army with which he was a correspondent had chased the army with which I was a correspondent, forty miles. I had been one of those who refused to act on his reception committee, and he had come to this country with a commission from twenty brother officers to shoot me on sight. But in his lecture he was using the photographs I had taken of the scene of his escape, and which I had sent him as a souvenir, and when he arrived I was at the wharf to welcome him. What is a little thing like a war between friends?

On the morning of his arrival in New York I found him already in a state of mutiny against his manager. Pond's offices were in a hotel down-town, in which, in order that he could keep them under his eye, he was accustomed to lodge his "stars." He had tried to incarcerate Churchill in this hotel, and Churchill had rebelled and escaped to the Waldorf. Later in the evening, Pond, on the plea that Churchill was due at an important banquet, took him from those of his friends who were working for the success of his tour, and who had invited to meet him that night people likely to be of use. At three o'clock in the morning, in the midst of a blizzard, Churchill having again escaped, came to our house and told us the banquet, which we had supposed was organized in his honor, had turned out to be the annual reunion of the Oil Cloth Manufacturers' Club, or some such interesting body, and Pond had introduced Churchill at it much as though he were a ragtime vocalist.

Lecturing in Canada

At Brantford, Canada, his troubles with Pond came to a head and he refused to appear. Churchill claimed that Pond had underestimated the number of people who would be likely to attend his lectures, and also the amount he should receive, and that, as in Canada they were being very largely attended, Pond was getting more of the gate money than was fair. Churchill, however, kept to his contract and finished the course. Except of hotels, parlor-cars, and "Lyceums," he saw very little of this country or of its people, and they saw very little of him. On the trip which lasted about two months he cleared ten thousand dollars. This, to a young man almost entirely dependent for an income upon his newspaper work, and the sale of his books, nearly repaid him for the two months of "one night stands." On his return to London he took his seat in the new Parliament.

It was a coincidence that he entered Parliament at the same age as did his father. With two other members, one born six days earlier than himself, he enjoyed the distinction of being among the three youngest members of the new House.

The fact did not seem to appal him. In the House it is a tradition that young and ambitious members sit "below" the gangway, the more modest and less assured are content to place themselves "above" it, at a point farthest removed from the leaders.

On the day he was sworn in there was much curiosity to see where Churchill would elect to sit. In his own mind there was apparently no doubt. After he had taken the oath, signed his name, and shaken the hand of the Speaker, without hesitation he seated himself on the bench next to the Ministry. Ten minutes later, so a newspaper of the day describes it, he had cocked his hat over his eyes, shoved his hands into his trousers' pockets, and was loling back cying the veterans of the House with critical disapproval.

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Real Soldiers of Fortune

(Continued from page 22)

His maiden speech was delivered in May, 1901, in reply to David Lloyd George, who had attacked the conduct of British soldiers in South Africa. Churchill defended them, and in a manner that from all sides gained him honest admiration. In the course of the debate he produced and read a strangely apropos letter which, fifteen years before, had been written by his father to Lord Salisbury. His adroit use of this filled H. W. Massingham, the editor of the "Daily News," with enthusiasm. Nothing in parliamentary tactics, he declared, since Mr. Gladstone died, had been as clever. He proclaimed that Churchill would be Premier. John Dillon, the Nationalist leader, said he never before had seen a young man, by means of his maiden effort, spring into the front rank of parliamentary speakers. He promised that the Irish members would ungrudgingly testify to his ability and honesty of purpose. Among others to at once recognize the rising star was T. P. O'Connor, himself for many years of the parliamentary firmament one of the brightest stars. In "M. A. P." he wrote: "I am inclined to think that the dash of American blood which he has from his mother has been an improvement on the original stock, and that Mr. Winston Churchill may turn out to be a stronger and abler politician than his father."



"WEIGHTED WITH THE CARES OF EMPIRE"

Caricature of Winston Churchill, by G. R. Hackett, in the "Pall Mall" Magazine

It was all a part of Churchill's "luck" that when he entered Parliament the subject in debate was the conduct of the war.

Even in those first days of his career in the House, in debates where angels feared to tread, he did not hesitate to rush in, but this subject was one on which he spoke with knowledge. Over the older men who were forced to quote from hearsay or from what they had read, Churchill had the tremendous advantage of being able to protest, "You only read of that. I was there. I saw it."

In the House he became at once one of the conspicuous and picturesque figures, one dear to the heart of the caricaturist, and one from the stranger's gallery most frequently pointed out. He was called "the spoiled child of the House," and there were several distinguished gentlemen who regretted they were forced to spare the rod. Brodrick, the Secretary for War, was one of these. Of him and of his recruits in South Africa Churchill spoke with the awful frankness of the *enfant terrible*. And although he addressed them more with sorrow than with anger, to Balfour and Chamberlain he daily administered advice and reproof, while mere generals and field-marshal, like Kitchener and Roberts, blushing under new titles, were held up for public reproof and briefly but severely chastened. Nor, when he saw even Lord Salisbury going astray, did he hesitate in his duty to the country, but took the Prime Minister by the hand and gently instructed him in the way he should go.

This did not tend to make him popular, but in spite of his unpopularity in his speeches against national extravagances he made so good a fight that he forced the Government, unwillingly, to appoint a committee to investigate the need of economy. For a beginner this was a distinct triumph.

With Lord Hugh Cecil, Lord Percy, Ian Malcolm, and other clever young men he formed inside the Conservative party a little group that in its obstructive and independent methods was not unlike the Fourth Party of his father. From its leader and its filibustering guerrilla-like tactics the men who composed it were nicknamed the "Hughligans." The Hughligans were the most active critics of the ministry and of all in their own party, and as members of the Free Food League they bitterly attacked the fiscal proposals of

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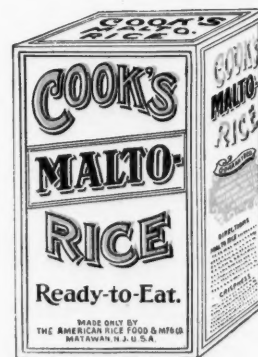
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Real Soldiers of Fortune

(Continued from page 23)

Mr. Chamberlain. When Balfour made Chamberlain's fight for fair trade, or for what virtually was protection, a measure of the Conservatives, the lines of party began to break, and men were no longer Conservatives and Liberals, but Protectionists or Free Traders.

Against this Churchill daily protested, against Chamberlain, against his plan, against that plan being adopted by the Tory party. By tradition, by inheritance, by instinct, Churchill was a Tory.

"I am a Tory," he said, "and I have as much right in the Party as has anybody else, certainly as much as certain people from Birmingham. They can't turn us out, and we, the Tory Free Traders, have as much right to dictate the policy of the Conservative Party as have any reactionary Fair Traders." In 1904 the Conservative Party already recognized Churchill as one working outside the breastworks of the Conservative party. Just before the Easter vacation of that year when he rose to speak a remarkable demonstration was made against him by his Unionist colleagues, all of them rising and leaving the House.

To the Liberals who remained to hear him he stated that if to his constituents his opinions were obnoxious, he was ready to resign his seat. It then was evident he would go over to the Liberal party. Some thought he foresaw which way the tidal wave was coming, and to being slapped down on the beach and buried in the sand, he preferred to be swept forward on its crest. Others believed he left the Conservatives because he could not honestly stomach the taxed food offered by Mr. Chamberlain.

Following Gladstone's Example

In any event, if he were to be blamed for changing from one party to the other, he was only following the distinguished example set him by Gladstone, Disraeli, Harcourt, and his own father.

It was at the time of this change that he was called "the best hated man in England," but the Liberals welcomed him gladly, and the National Liberal Club paid him the rare compliment of giving in his honor a banquet. There were present two hundred members. Up to that time this dinner was the most marked testimony to his importance in the political world. It was at about this time, a year since, that he prophesied: "Within nine months there will come such a tide and deluge as will sweep through England and Scotland, and completely wash out and effect a much needed spring cleaning in Downing Street."

When the deluge came, at Manchester, Mr. Balfour was defeated, and Churchill was victorious, and when the new Government was formed the tidal wave landed Churchill in the office of Under-Secretary for the Colonies.

While this article is being written the English papers say that within a month he again will be promoted. For this young man of thirty the only promotion remaining is a position in the Cabinet, in which august body men of fifty are considered young.

His is a picturesque career. Of any man of his few years speaking our language, probably to-day it is the most picturesque. And that he is half an American gives all of us an excuse to pretend we share in his successes.

WHAT IS CRIME

(Continued from page 14)

When the victims discovered the cheat, the courts informed them that in view of the fact that they had given up their money for the purpose of getting possession of spurious money, the swindlers could not be punished.

The writer recalls prosecuting one case of this sort against two men, where the complainant gave his name as "Willie" Robinson, and his place of abode as Sandy Mush, Buncombe County, North Carolina. He was lodged as a State's witness in the House of Detention, and when the case was disposed of protested vigorously against being compelled to leave what seemed to his rural mind a hotel of luxurious accommodations.

Then some ingenious crook devised the "wire-tapping" game, which consisted in inducing the victim to put up money for the purpose of betting upon a "sure thing," knowledge of which the thief pretended to have secured by "tapping" a Western Union wire of advance news of the races. He usually had a "lay out" which included telegraph instruments connected with a dry battery in a closet, and would merrily steal the supposed news off an imaginary wire and then send his dupe to play his money upon the "winner" in a fake pool-room, which in reality was nothing but a den of thieves, who instantly absconded with the money.

In this way Mr. John Felix was defrauded out of fifty thousand dollars on a single occasion. Yet under the ruling referred to it is doubtful whether any prosecution can be successfully sustained, and although later opinions have strongly urged some legislative action changing the law, the Legislature has done nothing. Instead, it passes scores of perfectly proper acts like the following, which became law in 1890:

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WHAT IS CRIME

(Continued from page 25)

two weeks after its birth, it shall be the duty of such nurse . . . to report the fact in writing within six hours to the health officer or some legally qualified practitioner of medicine. . . .

SECTION 2. Any failure to comply with the provisions of this act shall be punished by a fine not to exceed one hundred dollars, or imprisonment not to exceed six months, or both.

The criminal law, which had its origin when violence was rife, is admirably adapted to the prevention, prosecuting, and punishment of crude crimes, such as arson, rape, rapine, robbery, burglary, mayhem, assault, homicide, and "common law" larceny—theft accompanied by a trespass. You can dispose of your highwayman just as quickly now as you could in 1500, and he has a deal fairer chance. Everything was against the man charged with crime then—at least so was the attitude of the court and jury. "Aha!" exclaims the judge when the prisoner is brought in. "You thought you were stealing only a horse! But you stole a halter as well!" And the spectators are convulsed with merriment.

The writer has no fault to find with the statutes passed to protect the indicted prisoner. He should be presumed innocent until found guilty, and he should put the State to its full proof. But while our Legislatures have been making it harder and harder for the State to convict its ordinary criminals, they have totally overlooked the fact that all sorts of new and ingenious crimes have come into existence with which the law in its present form is utterly unable to cope. The evolution of the modern corporation has made possible larcenies to the punishment of which the law is entirely inadequate. Statutes for the prevention of ophthalmia are certainly desirable, but how about a few statutes to prevent the presidents of insurance companies from arbitrarily diverting the funds of that vague host commonly alluded to as "widows and orphans" and "jockeying" their books?

The careless nurse is a criminal, and may be confined in stripes in a penitentiary; while perhaps a man who may be guilty of a great iniquity and known to be so drives happily off in his coach and four.

What is crime? We may well ask the question, only eventually to be confronted by that illuminating definition which begins the Penal Code—"A crime is an act or omission forbidden by law and punishable upon conviction by . . . penal discipline." Let us put on our glasses and find out what these acts and omissions are. When we have done that we may begin to look around for the criminals. But it will be of comparatively little assistance in finding the sinners.

So-called criminologists delight in measuring the width of the skulls between the eyes, the height of the foreheads, the length of the ears, and the angle of the noses of persons convicted of certain kinds of crimes, and prepare for the edification of the simple-minded public tables demonstrating that the burglar has this kind of a head, the pickpocket that sort of an ear, and the swindler such and such a variety of visage. If you examine into the question you will probably discover that the clerk who sells you your glass of soda water at the corner drug store will qualify for some one of these classes; so will your host at dinner this evening; so, very likely, will the family doctor or the pastor of your church. The writer is informed that there has recently been produced an elaborate work on political criminals in which an attempt is set forth the telltale characteristics of such is made. It is explained that the tendency to commit such crimes may be inherited. You are about as likely to inherit an inclination to commit a political crime as you are to have transmitted to you from a maiden aunt a tendency to violate a speed ordinance or make a "disbursing" noise.

Let some one codify all the sins and meannesses of mankind, let the Legislatures make them crimes and affix appropriate penalties, then those of us who still remain outside the bars may with more propriety indulge ourselves in reflections at the expense of those who are not.

* * *

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(See Frontispiece)

WHEN I was sick and lay abed,
I had two pillows at my head,
And all my toys beside me lay
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And sometimes for an hour or so
I watched my leaden soldiers go,
With different uniforms and drills,
Among the bedclothes, through the hills;

And sometimes sent my ships in fleets
All up and down among the sheets;
Or brought my trees and houses out,
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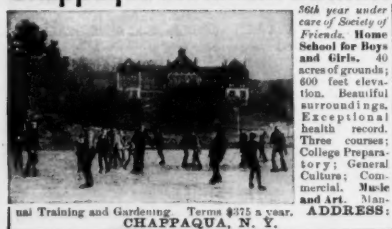
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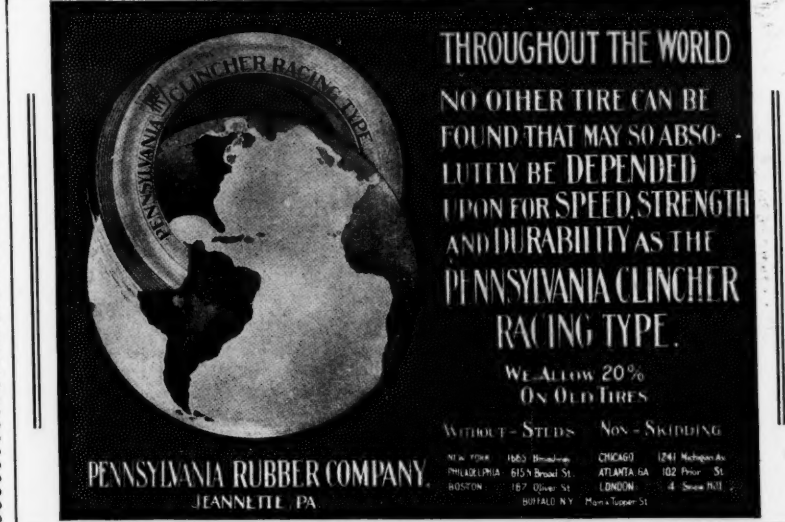
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